Proposed Rulemaking

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Title

Promulgated by:
Board of Electrical Examiners of the State of Arkansas

Title 17. Professions, Occupations, and Businesses

Chapter XXXVIII. Board of Electrical Examiners of the State of Arkansas, Department of Labor and Licensing

Subchapter A. Generally

Part 210. Rules of the Board of Electrical Examiners of the State of Arkansas

Subpart 1. General Provisions

17 CAR § 210-101. Definitions.

(a) The various classes of licenses shall be defined as follows:

~~(1) "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units;~~

(~~2~~1) "Industrial maintenance electrician" means an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities.

(B) For employees of industrial facilities, it is not necessary to possess this or any other class of license.

(C) See Arkansas Code § 17-28-102(a)(2) and 17 CAR § 210-602(a);

(~~3~~2)(A) "Journeyman electrician" means an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment.

(B) A journeyman electrician cannot contract with the general public to plan, lay out, or supervise the installation, maintenance, and extension of electrical conductors and equipment without employing at least one (1) full-time master electrician;

(~~43~~) "Master electrician" means an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment;

(~~54~~)(A) "Residential journeyman electrician" means an individual who is limited by license classification to install, alter, repair, maintain, or renovate electrical facilities for single family dwellings, duplexes or two-family dwellings, triplexes or three-family dwellings, and quadruplexes or four-family dwellings under the general supervision of a residential master electrician or a master electrician.

(B) A residential journeyman may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice;

(~~65~~)(A) "Residential master electrician" means an individual who is limited by license classification to performing electrical work for single family dwellings, duplexes or two-family dwellings, triplexes or three-family dwellings, and quadruplexes or four-family dwellings, including planning and supervising the installation, maintenance, and extension of electrical facilities.

(B) A residential master electrician may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice; and

(~~76~~)(A) "Specialist sign electrician" means any individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for installing, maintaining, and repairing electrically illuminated or operated signs and gaseous tubing for illumination, making all connection to an approved outlet of sufficient capacity within twenty-five feet (25') of the sign to be connected.

(B) A specialist sign electrician may also maintain and repair parking lot lights with ~~a special endorsement to~~ his or her license.

(b) As used in this part:

(1) "Board" means the Board of Electrical Examiners of the State of Arkansas;

(2) "Director" means the Director of ~~the Division of Labor~~the Code Enforcement Section of the Department of Labor and Licensing;

(3) "Dwelling":

(A) Means a building or other structure designed and constructed for residential purposes;

(B) Includes a building or other structure that houses a home office or other business activity if the business activity does not require commercial-grade electric conductors or equipment; and

(C) Does not include a mixed-use building or other structure that requires commercial-grade electric conductors or equipment for any part of the building or other structure;

(4) "Electrical apprentice" means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the supervision of a journeyman electrician or master electrician;

(5) "Electrical work" means, as defined by Arkansas Code § 17-28-101(4), Arkansas Code § 20-31-102(5), installations of:

(A) Electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, floating buildings, and other premises such as:

(i) Yards;

(ii) Carnivals;

(iii) Parking and other lots; and

(iv) Industrial substations;

(B) Conductors that connect to the supply of electricity; and

(C) Other outside conductors on the premises;

(~~7~~6) "HVACR" means:

(A) Heating;

(B) Ventilation;

(C) Air conditioning; and

(D) Refrigeration; and

~~(8) "Manager" means any employee:~~

~~(A) Whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and~~

~~(B) Who customarily and regularly directs the work of one (1) or more other employees therein;~~

~~(C) Who has a good working knowledge of:~~

~~(i) Electrical theory;~~

~~(ii) Electrical materials and equipment; and~~

~~(iii) Electrical installation procedures;~~

~~(D) Who customarily and regularly exercises discretion and independent judgment;~~

~~(E) Who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing, and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and~~

~~(F) Who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work; and~~

~~(9) "Superintendent" means any employee:~~

~~(A) Whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed;~~

~~(B) Who has a good working knowledge of:~~

~~(i) Electrical theory;~~

~~(ii) Electrical materials and equipment; and~~

~~(iii) Electrical installation procedures;~~

~~(C) Who customarily and regularly directs the work of one (1) or more other employees therein;~~

~~(D) Who has the authority to hire or fire other employees, or whose~~

~~suggestions and recommendations as to the hiring or firing, and as to the advancement and promotion or any other change of status of other employees, will be given particular weight;~~

~~(E) Who customarily and regularly exercises discretion and independent judgment; and~~

~~(F) Who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.~~

(7) "NEC" means the National Electrical Code currently adopted by the Board of Electrical Examiners.

17 CAR § 210-102. Statement of organization and operations.

(a) The Board of Electrical Examiners of the State of Arkansas is a board of state government created by Acts 1979, No. 870, as amended, Arkansas Code § 17-28-201 et seq.

(b) The licensing authority of the board is found in Arkansas Code § 17-28-201 et seq., and its code enforcement authority is found in the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq.

(c)(1) The General Assembly has delegated to the board the authority to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work.

(2) Additionally, the General Assembly has delegated to the board the power to:

(A) Oversee electrician examination and licensure;

(B) Conduct examinations of persons who apply for an electrician's license;

(C) Grant licenses to qualifying applicants; and

(D) Revoke or suspend a license for cause.

(d) The General Assembly has authorized the Secretary of the Department of Labor

and Licensing or his or her designated employees to conduct inspections and to otherwise administer and enforce Arkansas Code § 17-28-201 et seq. and the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq.

(e) From time to time, the board promulgates rules pursuant to the Administrative Procedure Act, Arkansas Code §25-15-201 et seq.

17 CAR § 210-103. Information for public guidance.

(a) The mailing address and telephone number for the Board of Electrical Examiners of the State of Arkansas is:

Arkansas Board of Electrical Examiners
Arkansas Department of Labor and Licensing
900 West Capitol, Suite 400
Little Rock, AR 72201
(501) 682-4549
Email: adll.electrical@arkansas.gov

(b)(1) The Department of Labor and Licensing makes available a list of persons holding certain responsibilities for handling FOIA requests, licensing questions, complaints against licensees, and compliance requests or assistance so that the public may obtain information about the agency or make submissions or requests.

(2)(A) The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the agency's office or website.

(B) The department's website is http://www.labor.arkansas.gov.

(C) The website for the board is https://www.labor.arkansas.gov/divisions/code-enforcement/electrical-inspection-and-licensing/.

(c)(1) The agency has a list of official forms used by the agency and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions, and opinions resulting from adjudications, which may be obtained from the

~~Division of Labor's office~~Department of Labor and Licensing, Code Enforcement Section.

(2) Copies of all forms used by the agency, written statements of policy and written interpretive memoranda, and all orders issued by the division may be obtained from the division's office.

17 CAR § 210-104. General organization.

(a)(1) The Board of Electrical Examiners of the State of Arkansas was created by the General Assembly, Arkansas Code § 17-28-201, to establish electrical licensure and code compliance standards.

(2)(A) The board consists of nine (9) members, including the Secretary of the Department of Labor and Licensing or his or her designee.

(B) The board shall annually elect one (1) of its members to serve as chair and one (1) other member to serve as vice chair.

(b)(1) The Secretary of the Department of Labor and Licensing or his or her designee shall act as secretary for the board and shall keep the books and records of the board.

(2) The Secretary of the Department of Labor and Licensing shall also furnish the board with the necessary facilities for the exercise of its rights and duties.

(c)(1) The business of the board will be conducted in public meetings pursuant to Robert's Rules of Order and in conformity with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(2) Regular meetings will be held the third Tuesday of the following months, unless otherwise rescheduled and posted:

(A) January;

(B) March;

(C) May;

(D) July;

(E) September; and

(F) November.

(3) Special meetings may be held on the call of the chair.

(d) Five (5) members of the board shall constitute a quorum, and the majority of those present in a meeting shall be necessary for the transaction of official business.

(e)(1) The board may create standing or ad hoc committees.

(2) The chair will appoint members of committees.

(3) A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

(f)(1) The Director of ~~the Division of Labor~~Code Enforcement will prepare the agenda for regular and special meetings of the board.

(2) The agenda will be distributed to board members and department staff and made available to the public in advance of the meeting.

(3) The agenda should state specifically the items that will be considered at the meeting.

(4) The agenda should include the following topics as applicable:

(A) Call to order;

(B) Review of minutes;

(C) Old business;

(D) New business;

(E) Other business;

(F) Adjudicatory hearings;

(G) Rulemaking hearings; and

(H) Public comment.

(5) The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the board.

(6) Additionally, the agenda may be amended by appropriate motion.

~~**Subpart 2. Rulemaking**~~

~~**17 CAR § 210-201. Initiation of rulemaking.**~~

~~(a) The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as "rulemaking") may be initiated by a request of the Board of~~

~~Electrical Examiners of the State of Arkansas or the Director of the Division of Labor that the Department of Labor and Licensing staff submit proposed drafts.~~

~~(b) Additionally, staff of the department may request permission to initiate rulemaking.~~

~~(c) Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.~~

~~**17 CAR § 210-202. Petition to initiate rulemaking.**~~

~~(a)(1) Third parties may initiate rulemaking to adopt, amend, or repeal a rule by filing a petition with the Board of Electrical Examiners of the State of Arkansas to initiate rulemaking.~~

~~(2) The petition must contain:~~

~~(A) The name, address, and telephone number of the petitioner;~~

~~(B) The specific rule or action requested;~~

~~(C) The reasons for the rule or action requested; and~~

~~(D) Facts showing that the petitioner is regulated by the board or has a substantial interest in the rule or action requested.~~

~~(b) The petition to initiate rulemaking shall be filed with the Director of the Division of Labor.~~

~~(c)(1) Within thirty (30) days after submission of the petition, the board will either deny the petition, stating its reasons in writing or will initiate rulemaking.~~

~~(2) A special meeting of the board may be called.~~

~~**17 CAR § 210-203. Filing with Legislative Council.**~~

~~Thirty (30) days before the public comment period ends, the Division of Labor will file with Legislative Council the text of the proposed rule or amendment as well as a financial impact statement and any additional information as may be required by the Legislative Council as provided by Arkansas Code § 10-3-309.~~

~~**17 CAR § 210-204. Public input.**~~

~~(a)(1) Before finalizing language of a proposed new rule or an amendment to, or repeal of, an existing rule, the Board of Electrical Examiners of the State of Arkansas will receive public input through written comments and/or oral submissions.~~

~~(2) The board will designate in its public notice the format and timing of public comment.~~

~~(b) Any public hearing will provide affected persons and other members of the public a reasonable opportunity for: presentation of evidence, arguments, and oral statements within reasonable conditions and limitations imposed by the board to avoid:~~

~~(1) Duplication;~~

~~(2) Irrelevant comments;~~

~~(3) Unnecessary delay; or~~

~~(4) Disruption of the proceedings.~~

~~(c)(1) The board chair shall preside at the public hearing.~~

~~(2) The board will ensure that Department of Labor and Licensing personnel responsible for preparing the proposed rule or amendment are available, and will notify third parties initiating rule changes to be available to explain the proposal and to respond to questions or comments regarding the proposed rule.~~

~~(d) The Division of Labor will preserve the comments made at the public hearing by a tape recording.~~

~~(e)(1) Any person may submit written statements within the specified period of time.~~

~~(2) All timely, written statements will be considered by the board and be made a part of the rulemaking record.~~

~~**17 CAR § 210-205. Notice of rulemaking.**~~

~~(a) The Board of Electrical Examiners of the State of Arkansas will give notice of proposed rulemaking to be published pursuant to Arkansas Code § 25-15-204.~~

~~(b) The notice will set any written comment period and will specify the time, date, and place of any public hearing.~~

17 CAR § 210-206. The decision to adopt a rule.

(a) The Board of Electrical Examiners of the State of Arkansas will not finalize language of the rule or decide whether to adopt a rule until the period for public comment has expired and the proposed rule has been reviewed and approved by the Legislative Council or other legislative committee pursuant to Arkansas Code § 10-3-309.

(b) Before acting on a proposed rule, the board will consider all of the written submissions and/or oral submissions received in the rulemaking proceeding or any memorandum summarizing such oral submissions, and any regulatory analysis or fiscal impact statement issued in the rulemaking proceedings.

(c) The board may use its own experience, specialized knowledge, and judgment in the adoption of a rule.

17 CAR § 210-207. Variance between adopted rule and published notice or proposed rule.

(a) The Board of Electrical Examiners of the State of Arkansas may not adopt a rule that differs from the rule proposed in the published notice of the intended rulemaking on which the rule is based unless:

(1) The final rule is in character with the original scheme and was a logical outgrowth of the notice and comments stemming from the proposed rule; or

(2) The notice fairly apprised interested persons of the subject and the issues that would be considered so that those persons had an opportunity to comment.

(b) In determining whether the final rule is in character with the original scheme and was a logical outgrowth of the notice and comments, and that the notice of intended rulemaking provided fair warning that the outcome of that rulemaking proceeding could be the rule in question, the board must consider the following factors:

(1) The extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) The extent to which the subject matter of the rule or issues determined by

the rule are different from the subject matter or issues contained in the notice of intended rulemaking; and

(3) The extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intended rulemaking.

17 CAR § 210-208. Concise statement of reasons.

(a)(1) When requested by an interested person, either prior to the adoption of a rule or within thirty (30) days after its adoption, the Board of Electrical Examiners of the State of Arkansas shall issue a concise statement of the principal reasons for and against its adoption of the rule.

(2)(A) Requests for such a statement must be in writing and be delivered to the Director of the Division of Labor.

(B) The request should indicate whether the statement is sought for all or only a specified part of a rule.

(C) A request will be considered to have been submitted on the date on which it is received by the director.

(b) The concise statement of reasons must contain:

(1) The board's reasons for adopting the rule;

(2) An indication of any change between the text of the proposed rule and the text of the rule as finally adopted, with explanations for any such change; and

(3) The principal reasons urged in the rulemaking procedure for and against the rule, and the board's reasons for overruling the arguments made against the rule.

17 CAR § 210-209. Contents.

(a) The Board of Electrical Examiners of the State of Arkansas shall cause its rules to be published and made available to interested persons.

(b) The publication must include:

(1) The text of the rule; and

(2) A note containing the following:

(A) The date or dates the board adopted or amended the rule;

(B) The effective date or dates of the rule;

(C) Any findings required by any provisions of law as a prerequisite to adoption for effectiveness of the rule; and

(D) Citation to the entire specific statutory or other authority authorizing the adoption of the rule.

(c) The publication of the rule or rules must state the date of publication.

17 CAR § 210-210. Format.

The published rules of the Division of Labor will be organized substantially in the following format:

(1) Statement of Organization and Operations;

(2) Information for Public Guidance;

(3) General Organization;

(4) Rulemaking;

(5) Emergency Rulemaking;

(6) Declaratory Orders;

(7) Adjudicative Hearings; and

(8) Substantive rules and other rules of agency.

17 CAR § 210-211. Incorporation by reference.

(a) By reference in a rule, the Board of Electrical Examiners of the State of Arkansas may incorporate all or any part of a code, standard, rule, or other matter if the board finds that copying the matter in the board's rule would be unduly cumbersome, expensive, or otherwise inexpedient.

(b) The reference in the board rule will:

(1) Fully and precisely identify the incorporated matter by title, citation, date, and edition, if any;

(2) Briefly indicate the precise subject and general contents of the incorporated matter; and

(3) State that the rule does not include any later amendments or editions of

~~the incorporated matter.~~

~~(c)(1) The board may incorporate such a matter by reference in a proposed or adopted rule only if the agency makes copies of the incorporated matter readily available to the public.~~

~~(2) The rules must state how and where copies of the incorporated matter may be obtained at cost from the Division of Labor, and how and where copies may be obtained from an agency of the United States, this state, another state, or the organization, association, or persons originally issuing that matter.~~

~~(3) The Department of Labor and Licensing will retain permanently a copy of any materials incorporated by reference in a rule of the board.~~

~~**17 CAR § 210-212. Filing.**~~

~~(a) After the Board of Electrical Examiners of the State of Arkansas formally adopts a new rule or amends a current rule or repeals an existing rule, and after the rule change has been reviewed and approved by the Legislative Council, the staff will file final copies of the rule with:~~

~~(1) The Secretary of State, Arkansas State Library, and Legislative Council; or~~

~~(2) As otherwise provided by Arkansas Code § 25-15-204(d).~~

~~(b) Proof of filing a copy of the rule, amendment, or repeal with the Secretary of State, the Arkansas State Library, and the Legislative Council will be kept in a file maintained by the Legal Division of the Department of Labor and Licensing.~~

~~(c) Notice of the rule change will be posted on the department website.~~

~~**Subpart 3. Emergency Rulemaking**~~

~~**17 CAR § 210-301. Request for emergency rulemaking.**~~

~~17 CAR § 210-202, the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety, or welfare.~~

17 CAR § 210-302. Finding of emergency.

(a) Upon receipt of the written statement requesting an emergency rulemaking and documents or other evidence submitted in support of the assertion that an emergency exists, the Board of Electrical Examiners of the State of Arkansas will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule upon fewer than thirty (30) days' notice.

(b)(1) If the board determines that the circumstances warrant emergency rulemaking, it will make a written determination that sets out the reasons for the board's finding that an emergency exists.

(2) Upon making this finding, the board may proceed to adopt the rule without any prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

17 CAR § 210-303. Effective date of emergency rule.

(a) The Board of Electrical Examiners of the State of Arkansas shall not finalize an emergency rule or file an emergency rule with the Secretary of State for adoption until the emergency rule has been approved under Arkansas Code § 10-3-309.

(b) An emergency rule shall not be effective before the emergency rule has been approved under Arkansas Code § 10-3-309.

(c) The emergency rule will be effective immediately upon filing, or at a stated time less than ten (10) days thereafter, if the board finds that this effective date is necessary because of imminent peril to the public:

(1) Health;

(2) Safety; or

(3) Welfare.

(d) The board will file with the rule its written findings justifying the determination that emergency rulemaking is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than ten (10) days after the filing of the rule pursuant to Arkansas Code § 25-15-204(e).

~~(c) The board will take appropriate measures to make emergency rules known to persons who may be affected by them.~~

Subpart ~~4~~2. Declaratory Orders

17 CAR § 210-~~401~~201. Purpose and use of declaratory orders.

(a) A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Board of Electrical Examiners of the State of Arkansas has authority.

(b)(1) A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances.

(2) A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the board or the Department of Labor and Licensing.

(c) A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

17 CAR § 210-~~402~~202. The petition.

The process to obtain a declaratory order is begun by filing with the Director of ~~the Division of Labor~~Code Enforcement a petition that provides the following information:

(1) The caption shall read: Petition for Declaratory Order before the Board of Electrical Examiners of the State of Arkansas;

(2) The name, address, telephone number, and ~~facsimile number~~email address of the petitioner;

(3) The name, address, telephone number, and ~~facsimile number~~email address of the attorney of the petitioner;

(4) The statutory provision or provisions, agency rule or rules, or agency order or orders on which the declaratory order is sought;

(5) A description of how the statutes, rules, or orders may substantially affect

the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order;

(6) The signature of the petitioner or petitioner's attorney;

(7) The date; and

(8) Request for a hearing, if desired.

17 CAR § 210-~~403~~203. Disposition.

(a)(1) The Board of Electrical Examiners of the State of Arkansas may hold a hearing to consider a petition for declaratory statement.

(2) If a hearing is held, it shall be conducted in accordance with Arkansas Code §§ 25-15-208 and 25-15-213, and the board's rules for adjudicatory hearings.

(b)(1) The board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts.

(2) Within ninety (90) days of the filing of the petition, the board will render a final order denying the petition or issuing a declaratory order.

Subpart ~~5~~3. Adjudicative Hearings

17 CAR § 210-~~501~~301.~~ Scope of this subpart.~~ Hearings generally.

~~(a) This subpart applies in all administrative adjudications conducted by the Board of Electrical Examiners of the State of Arkansas.~~

~~(b) This procedure is developed to provide a process by which the board formulates orders, including orders revoking a permit or license or making a final administrative determination regarding the imposition of a civil penalty or fine.~~

All adjudicative hearings held for disciplinary purposes or for final administrative determination shall be held in accordance with the Administrative Procedure Act, Arkansas Code §25-15-201 et seq.

~~**17 CAR § 210-502. Presiding officer.**~~

~~The Board of Electrical Examiners of the State of Arkansas chair shall preside at the~~

~~hearing or may designate a hearing officer, examiner, or referee to preside at a hearing.~~

~~**17 CAR § 210-503. Appearances.**~~

~~(a) Any party appearing in any Board of Electrical Examiners of the State of Arkansas proceeding has the right, at his or her own expense, to be represented by counsel.~~

~~(b) The respondent may appear on his or her own behalf.~~

~~(c) Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.~~

~~(d) Service on counsel of record is the equivalent of service on the party represented.~~

~~(e) On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.~~

~~**17 CAR § 210-504. Consolidation.**~~

~~If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.~~

~~**17 CAR § 210-505. Notice to interested parties.**~~

~~If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.~~

~~**17 CAR § 210-506. Service of papers.**~~

~~Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's representative at the last address of record.~~

~~**17 CAR § 210-507. Initiation and notice of hearing.**~~

~~(a) An administrative adjudication is initiated by the issuance of a notice of hearing from the Division of Labor.~~

~~(b)(1) The notice of hearing will be sent to the respondent by United States Mail, return receipt requested, delivery restricted to the named recipient or his or her agent.~~

~~(2) Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the Department of Labor and Licensing.~~

~~(c) Notice will be mailed at least twenty (20) days before the scheduled hearing.~~

~~(d) The notice will include a:~~

~~(1) Statement of the time, place, and nature of the hearing;~~

~~(2) Statement of the legal authority and jurisdiction under which the hearing is to be held; and~~

~~(3) Short and plain statement of the matters of fact and law asserted.~~

~~**17 CAR § 210-508. Motions.**~~

~~(a)(1) All requests for relief will be by motion.~~

~~(2) Motions must be in writing or made on the record during a hearing.~~

~~(3) A motion must fully state the action requested and the grounds relied upon.~~

~~(b)(1) The original written motion will be filed with the Board of Electrical Examiners of the State of Arkansas.~~

~~(2) When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition.~~

~~(c)(1) The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion.~~

~~(2) However, a presiding officer, other than the board chair, will not enter a~~

dispositive order unless expressly authorized in writing to do so.

17 CAR § 210-509. Answer.

A respondent may file an answer.

17 CAR § 210-510. Discovery.

(a) Upon written request, the Board of Electrical Examiners of the State of Arkansas or the Division of Labor will provide the information designated in Arkansas Code § 25-15-208(a)(3).

(b) Such requests should be received by the Electrical Section, Department of Labor and Licensing at least ten (10) days before the scheduled hearing.

17 CAR § 210-511. Continuances.

(a)(1) The Board of Electrical Examiners of the State of Arkansas chair may grant a continuance of hearing for good cause shown.

(2) Requests for continuances will be made in writing.

(3) The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing.

(b) In determining whether to grant a continuance, the board chair may consider:

(1) Prior continuances;

(2) The interests of all parties;

(3) The likelihood of informal settlements;

(4) The existence of an emergency;

(5) Any objection;

(6) Any applicable time requirement;

(7) The existence of a conflict of the schedules of counsel, parties, or witnesses;

(8) The time limits of the request; and

(9) Other relevant factors.

(c) The board chair may require documentation of any grounds for continuance.

17 CAR § 210-512. Hearing procedures.

(a) The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings, provided, however, any presiding officer other than the Board of Electrical Examiners of the State of Arkansas chair shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.

(b) All objections must be made in a timely manner and stated on the record.

(c) Parties have the right to participate or to be represented by counsel in all hearings or prehearing conferences related to their case.

(d) Subject to terms and conditions prescribed by the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the board, may submit briefs and engage in oral argument.

(e) The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

17 CAR § 210-513. Order of proceedings.

The presiding officer will conduct the hearing in the following manner:

(1) The presiding officer will give an opening statement, briefly describing the nature of the proceedings;

(2) The parties are to be given the opportunity to present opening statements;

(3) The parties will be allowed to present their cases in the sequence determined by the presiding officer;

(4)(A) Each witness must be sworn or affirmed by the presiding officer, or the court reporter, or any other person authorized by law to administer oaths and be subject to examination and cross-examination as well as questioning by the Board of Electrical Examiners of the State of Arkansas.

(B) The presiding officer may limit questioning in a manner consistent with the law; and

(5) When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

17 CAR § 210-514. Evidence.

(a) The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.

(b)(1) Stipulation of facts is encouraged.

(2) The Board of Electrical Examiners of the State of Arkansas may make a decision based on stipulated facts.

(c)(1) Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues.

(2) If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.

(d)(1) A party seeking admission of an exhibit must provide ten (10) copies of each exhibit at a hearing before the board.

(2) The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility.

(3) All exhibits admitted into evidence must be appropriately marked and be made part of the record.

(e)(1)(A) Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination.

(B) A brief statement of the grounds upon which it is based shall accompany such an objection.

(C) The objection, the ruling on the objection, and the reasons for the

ruling will be noted in the record.

(2) The presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision.

(f)(1)(A) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record.

(B) The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony.

(2) If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

(g)(1) Irrelevant, immaterial, and unduly repetitive evidence will be excluded.

(2) Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.

(h) **Reasonable inferences.** The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

17 CAR § 210-515. Default.

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the Board of Electrical Examiners of the State of Arkansas may proceed with the hearing and render a decision in the absence of the party.

17 CAR § 210-516. Subpoenas.

(a)(1) At the request of any party, the Director of the Division of Labor shall issue subpoenas for the attendance of witnesses at the hearing.

(2) The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

(b)(1)(A) A subpoena may be served by any person specified by law to serve process or in any manner authorized by law or by any person who is not a party and who is eighteen (18) years of age or older.

(B) Delivering a copy to the person named in the subpoena shall make service.

(C) Proof of service may be made by affidavit of the person making service.

(2) The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure.

(3)(A) The witness must be served at least two (2) days prior to the hearing.

(B) For good cause, the director may authorize the subpoena to be served less than two (2) days before the hearing.

(c) Any motion to quash or limit the subpoena shall be filed with the Board of Electrical Examiners of the State of Arkansas and shall state the grounds relied upon.

17 CAR § 210-517. Recording the proceedings.

(a) The responsibility to record the testimony heard at a hearing is borne by the Board of Electrical Examiners of the State of Arkansas.

(b) Upon the filing of a petition for judicial review, the agency will provide a transcript of testimony taken before the board.

17 CAR § 210-518. Factors to be considered in imposing sanctions.

In addition to any other considerations permitted by Arkansas Code § 17-28-201 et seq. and Arkansas Code § 20-31-101 et seq. and this part, if applicable, the Board of Electrical Examiners of the State of Arkansas in imposing any sanction may consider the following:

(1) The nature and degree of the misconduct for which the sanction is being imposed;

(2) The seriousness and circumstances surrounding this misconduct;

(3) The loss or damage to clients or other;

(4) The assurance of future compliance;

(5) The profit to the wrongdoer;

~~(6) The avoidance of repetition;~~

~~(7) Whether the conduct was deliberate, intentional, or negligent;~~

~~(8) The deterrent effect on others;~~

~~(9) The conduct of the individual, corporation, or other entity during the course of the disciplinary proceeding;~~

~~(10) Any prior enforcement actions or sanctions, including warnings; and~~

~~(11) Matters offered in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the individual demonstrates that he or she is successfully pursuing in good faith a program of recovery.~~

~~**17 CAR § 210-519. Final order.**~~

~~(a)(1) The Board of Electrical Examiners of the State of Arkansas will serve on the respondent a written order that reflects the action taken by the board.~~

~~(2) The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case.~~

~~(3) It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.~~

~~(b)(1) The order will be served personally or by mail on the respondent.~~

~~(2) If counsel represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.~~

Subpart ~~6~~4. The National Electrical Code

17 CAR § 210-~~601~~401. Adoption of National Electrical Code.

(a) The Board of Electrical Examiners of the State of Arkansas hereby adopts and incorporates herein the National Electrical Code, ~~2020~~ 2026 edition of the National Fire Protection Association.

(b)(1) The National Electrical Code (NFPA 70), ~~2020~~2026, shall be the standard for

the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

(2) The provisions of ~~Section 2108F of the 2020 National Electrical Code, dealing with GFCI requirements for Heating, Ventilation, and Air Conditioning are excluded from the adoption of the 2020 National Electrical Code.~~ AFCI and GFCI shall not be required on dwelling units circuits over 130 volts, except for the requirements in Article 680 and 682 of the 2026 National Electrical Code.

(3) AFCI/GFCI shall not apply to the following within a dwelling unit:

(A) Laundry areas, except for convenience outlets within six (6) feet of a sink; or

(B) For a refrigerator or microwave appliance.

(4) Island and peninsula receptacles are permissible with the following minimum standards:

(A) At least one receptacle outlet shall be installed within an island or peninsula for the first nine (9) square feet (0.84 square meters), or fraction thereof, of the countertop or work surface;

(B) An additional receptacle outlet shall be installed within an island or peninsula for each additional eighteen (18) square feet (1.7 square meters), or fraction thereof, of the countertop or work surface;

(C) At least one receptacle outlet shall be installed within two (2) feet (600 millimeters) of the outer end of a peninsula countertop or work surface; and

(D) Additional required receptacle outlets are permitted to be located as determined by the installer, designer, or building owner.

(5) For purposes of subsection (b)(4), a peninsula countertop shall be measured from the connected perpendicular wall.

(c) In the event there are updates and new editions to the National Electrical Code, the board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to ensure the public health and safety.

(d) The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the

performance of electrical work.

(e) The board hereby adopts and incorporates herein the Standard Practices for Good Workmanship in Electrical Contracting, American National Standards Institute/National Electrical Contractors Association 1-~~2006~~2023, as the guide for the quality and the standard of workmanship in the installation of electrical equipment.

(f) This part does not include any later amendments or editions of the standards incorporated by reference.

(g) Copies of these standards incorporated by reference can be viewed in the offices of the Division of Labor or can be obtained by contacting the following:

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471
1-800-344-3555
www.nfpa.org

17 CAR § 210-~~602~~402. Construction and exemptions.

(a) The licensing requirements of Arkansas Code § 17-28-101 et seq. shall not apply to the following:

(1) The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Arkansas Code § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally-owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally-owned utility;

(2) The construction, installation, maintenance, repair, or renovation, by any industry, of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such

activity when performed by any duly authorized employee of such industry;

(3) The construction, installation, maintenance, repair, and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes, including fire alarm systems, security systems, and environmental control systems that are not an integral part of a telecommunications system;

(4) The construction, installation, maintenance, repair, or renovation of any nonresidential farm building or structure;

(5) The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq.; and

(6) The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by:

(A) State law;

(B) Rules; or

(C) Local ordinance.

(b) The requirements of the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq., shall not apply to the following:

(1) Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Arkansas Public Service Commission, by a rural electric association or cooperative, or by a municipal utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards;

(2) Any construction, installation, maintenance, repair, or renovation of any nonresidential farm building or structure; and

(3) Any construction or manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq.

(c) Any holder of a state-issued heating, ventilation, air conditioning, and refrigeration or HVACR license may run line voltage power wiring, in compliance with the state electric code, from ~~a disconnect box~~the main breaker panel to a disconnect for an outdoor HVACR unit within a distance not to exceed ~~ten~~ seventy-five feet (~~10'~~75') from any point of the HVACR equipment without an electrician's license provided:~~.~~

(1) Installation must comply with all sections of the adopted NEC code; and

(2) Installation is subject to all local jurisdiction permitting and inspection requirements.

(d)(1) Any person licensed by the Commission on Water Well Construction pursuant to the provisions of the Arkansas Well Water Construction Act, Arkansas Code § 17-50-101 et seq., and subject to that commission's rules and the National Electric Code, may run power and control wiring from an existing disconnect box to water well equipment without an electrician's license.

(2) Alteration of the existing electrical service shall require an electrician's license.

(e) An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his or her duties with a hospital licensed by the Department of Health without an electrician's license.

(f)(1) Nothing in this part shall be construed to require an electrician's license in order to test, install, repair, maintain or alter industrial machinery, household appliances, or medical equipment, by the manufacturer or manufacturers or vendor or vendors of such machinery and equipment or technicians providing services with respect to such machinery and equipment.

(2) Nothing in this part shall be construed to require an electrician's license in order to supervise such activities.

(g) Nothing in this part shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.

(h)(1) Nothing in this part shall be construed to require an electrician's license in order to perform manual labor, such as pick up, delivery, and distribution of materials and equipment, or to generally maintain the job site in a clean and workmanlike

condition.

(2) Manual labor does not include actual use of any tools of the electrical trade.

17 CAR § 210-~~603~~403. Examinations.

(a) The Board of Electrical Examiners of the State of Arkansas shall make provisions for examinations on the following classes of licenses: master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, residential journeyman electrician, specialist sign electrician and air conditioning electrician to be given at least every six (6) months.

(b)(1) The examination of each class of license shall be of length and type to ensure proficiency in the tested area.

(2) The exact content of any examination shall be within the discretion of the board.

(3) Said examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.

(c) Persons applying for a license shall pay the following examination fees as instructed by the Director of ~~the Division of Labor~~Code Enforcement:

(1) Master Electrician	$80.00
(2) Journeyman Electrician	$80.00
(3) Industrial Maintenance Electrician	$50.00
(4) Residential Master Electrician	$80.00
(5) Residential Journeyman Electrician	$80.00
~~(6) Air Conditioning Electrician~~	~~$80.00~~
(~~7~~6) Specialist Sign Electrician	$80.00

(d)(1) Any applicant who shall fail to pass the examination shall continue to be approved for subsequent examinations of the same class without further action by the board, provided the applicant completed an apprenticeship training program.

(2) Any applicant who shall fail to pass the examination and who failed to

complete an apprenticeship program may be required by the board to complete up to two (2) years of an apprenticeship program before being approved for any subsequent examination.

17 CAR § 210-~~604~~404. Qualification for examination and licensure.

(a) **Prelicensure criminal background check.**

(1) Pursuant to Arkansas Code § 17-3-103, an individual may petition for a prelicensure 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 prelicensure criminal background check petition form from the Board of Electrical Examiners of the State of Arkansas.

(3) The Board of Electrical Examiners of the State of Arkansas will respond with a decision in writing to a completed petition within a reasonable time.

(4) The Board of Electrical Examiners of the State of Arkansas's response will state the reason or reasons for the decision.

(5) All decisions of the Board of Electrical Examiners of the State of Arkansas in response to the petition will be determined by the information provided by the individual.

(6) Any decision made by the Board of Electrical Examiners of the State of Arkansas in response to a prelicensure criminal background check petition is not subject to appeal.

(7) The Board of Electrical Examiners of the State of Arkansas will retain a copy of the petition and response and it will be reviewed during the formal application process.

(b)(1) All applications for licensure of any class must be received by the Board of Electrical Examiners of the State of Arkansas five (5) business days prior to the date of the scheduled meeting of the Board of Electrical Examiners of the State of Arkansas.

(2) After review of the applications, the Board of Electrical Examiners of the State of Arkansas will issue a list of approved applicants eligible for examination.

(c) **Waiver request.**

(1) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or 17-3-102(e), the Board of Electrical Examiners of the State of Arkansas may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) An individual holding a license subject to revocation.

(2) The Board of Electrical Examiners of the State of Arkansas may grant a waiver upon consideration of the following, without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license; and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(3) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

(4) The Board of Electrical Examiners of the State of Arkansas will respond with a decision in writing and will state the reasons for the decision.

(5) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(d) An applicant for a master electrician's license shall have:

(1) A degree in electrical engineering plus two (2) years of construction related experience; or

(2) Six (6) years' experience in the construction industry, both residential and commercial, including two (2) years' experience as a licensed journeyman electrician; or

(3) Any combination of training and experience as the Board of Electrical Examiners of the State of Arkansas may approve, such as:

(A) Formal electrical apprenticeship programs specifically approved by the Board of Electrical Examiners of the State of Arkansas;

(B) On-the-job training specifically approved by the Board of Electrical Examiners of the State of Arkansas; or

(C) A combination of training and construction experience that is determined by the Board of Electrical Examiners of the State of Arkansas to be equivalent to that as specified in subdivisions (~~b~~d)(1) or (~~b~~d)(2) of this section.

(e) An applicant for a journeyman electrician license shall have the following qualifications, as appropriate:

(1) **Applicants who completed an apprenticeship program.**

(A) Applicants who have completed a four-year electrical construction apprenticeship program approved by the United States Department of Labor, Bureau of Apprenticeship and Training shall have:

(i) A "Notice of Apprenticeship Committee Action - Released for Test/Completion" form from the applicant's training program and approved by the Office of Skills Development; or

(ii) If the applicant completed an apprenticeship program in another state, certification from the Bureau of Apprenticeship and Training or the state agency responsible for oversight of apprenticeship programs of completion.

(B) The Board of Electrical Examiners of the State of Arkansas may approve an applicant without a Released for Test form in extenuating circumstances;

(2) **Applicants who seek reciprocity.** Applicants who seek reciprocity shall have certification from the sister state that the applicant:

(A) Is currently licensed as a journeyman and in good standing;

(B) Has held his or her license in the sister state for a period of one (1) year; and

(C) Was tested in the sister state; and

(3) **Applicants who have not completed an apprenticeship program.**

(A) Applicants who have not completed a four-year electrical construction apprenticeship program approved by the Bureau of Apprenticeship and Training shall

have eight (8) years (sixteen thousand (16,000) hours), using a standard of two-thousand (2,000) hours maximum credit per year, of electrical construction experience or training as may be approved by the Board of Electrical Examiners of the State of Arkansas.

(B) This training or experience may include electrical experience gained in the military.

(C) See subsection (k) of this section for experience that does not qualify.

(f) An applicant for an industrial maintenance electrician's license shall have:

(1) ~~Four~~ Two (42) years' experience under the supervision of an engineer, master electrician, journeyman electrician, or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or

(2) Any combination of training and experience as the Board of Electrical Examiners of the State of Arkansas may approve, such as formal apprenticeship programs approved by the Board of Electrical Examiners of the State of Arkansas, on-the-job training specifically approved by the Board of Electrical Examiners of the State of Arkansas, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the Board of Electrical Examiners of the State of Arkansas, or a combination of training and electrical maintenance experience that is determined by the Board of Electrical Examiners of the State of Arkansas to be equivalent to that as specified in subdivision (f)(1) of this section.

(g) An applicant for a residential master electrician's license shall have:

(1) Three (3) years' experience in the wiring of ~~one- or two-~~family dwellings, up to and including a quadruplex, including one (1) year experience as a licensed residential journeyman; or

(2) Any combination of training and experience as the Board of Electrical Examiners of the State of Arkansas may approve as being equivalent to that as specified in subdivision (e)(1) of this section.

(h) An applicant for a residential journeyman license shall have:

(1) Two (2) years' experience in the wiring of ~~one- or two-~~family dwellings up

to and including a quadruplex;

(2) A two-year combination of training and experience as the Board of Electrical Examiners of the State of Arkansas may approve, such as formal apprenticeship programs approved by the Board of Electrical Examiners of the State of Arkansas; and

(3) A signed letter from the applicant's school verifying the applicant's classroom and verified on the job training hours.

~~(i)(1) An applicant for an air conditioning electrician's license shall have:~~

~~(A) Two (2) years' experience in wiring HVACR equipment; or~~

~~(B) Any combination of experience and training as the Board of Electrical Examiners of the State of Arkansas may approve as being equivalent to that as specified in subdivision (g)(1) of this section.~~

~~(2) The experience required in subdivision (g)(1) of this section may be demonstrated by having held for two (2) years:~~

~~(A) A HVACR electrician's license issued by an Arkansas municipality; or~~

~~(B) A HVACR Class A or Class B license issued by the state HVACR Licensing Board.~~

(~~j~~i)(1) An applicant for a specialist sign electrician's license shall have:

(A) ~~Two~~ One (~~2~~1) years' experience working for an electrical sign company or a licensed electrical licensee performing the work of installing, maintaining, and repairing electrically illuminated or operated signs and gaseous tubing for illumination, making all connection to an approved outlet of sufficient capacity within twenty-five feet (25') of the sign to be connected; or

(B) Any combination of training and experience as the Board of Electrical Examiners of the State of Arkansas may approve as being equivalent to that as specified in subdivision (h)(1)~~(A)~~ of this section.

(2) Applicants for a specialist sign electrician license pursuant to the provisions of this chapter shall be exempt from the examination requirement of Arkansas Code § 17-28-203, provided that the applicant~~:~~ is qualified by experience requirements specified in subdivisions (h)(1) or (h)(1) of this section.

~~(A) Is qualified by experience requirements specified in subdivisions (h)(1)(A) or (h)(1)(B) of this section;~~

~~(B) Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause;~~

~~(C) Submits the appropriate fee; and~~

~~(D) Applies for a license prior to September 1, 2009.~~

(3) This license shall not be required of any Board of Electrical Examiners of the State of Arkansas licensee currently qualified to perform the type of work described by subdivision (h)(1)~~(A)~~ of this section.

(4) All licensed specialist sign electricians shall submit to the Department of Labor and Licensing a list of any employees performing work as described in subsection (h) of this section.

(5) All such work shall be performed under direct supervision of a licensed sign electrician or other electrical licensee authorized to perform this type of work.

(6) A specialist sign electrician shall qualify for ~~an endorsement on~~ his or her license authorizing the licensee to maintain and repair parking lot lights upon successfully passing ~~a separate~~an examination as approved by the Board of Electrical Examiners of the State of Arkansas.

(~~k~~j) For the purpose of determining experience qualification, the Board of Electrical Examiners of the State of Arkansas shall not consider the following:

(1) Any experience obtained in violation of Arkansas Code § 17-28-304 (Repl. 2001) which required a state electrician's license beginning July 1, 1998; or

(2) Any experience obtained in a sister state in violation of that state's licensing or registration requirements.

(~~l~~k)(1) Work experience shall be documented by:

(A) Official transcripts;

(B) Notarized letters or affidavits from past or present employers;

(C) Official letters from other licensing boards detailing the duration and character of the work; or

(D) Equivalent evidence.

(2) Letters and employment verification shall be dated within six (6) months of application.

(3) Employment verification from the Social Security Administration may be required.

(~~m~~l) The Board of Electrical Examiners of the State of Arkansas shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit".

(~~n~~m) The Board of Electrical Examiners of the State of Arkansas shall waive the initial licensing fee if the applicant:

(1) Is receiving assistance through the:

(A) Arkansas Medicaid Program;

(B) Supplemental Nutrition Assistance Program;

(C) Special Supplemental Nutrition Program for Women, Infants, and Children;

(D) Temporary Assistance for Needy Families Program; or

(E) Lifeline Assistance Program;

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

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

Subpart ~~7~~5. Licenses

17 CAR § 210-~~701~~501. Generally.

(a) All ~~Division of Labor~~Department action regarding licensure shall be governed by Arkansas Code § 17-28-201 et seq., and the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq., and this part.

(b) The Board of Electrical Examiners of the State of Arkansas is required to:

(1) Oversee electrician examination and licensure;

(2) Conduct examinations of persons who apply for an electrician's license;

(3) Grant licenses to qualifying applicants who have paid the prescribed fee; and

(4) Revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

17 CAR § 210-~~702~~502. Requirement to keep current address on file — Post license number and keep license available.

(a)(1) All persons holding a license or permit issued by the Board of Electrical Examiners of the State of Arkansas are required to provide the board with information so that the board can remain in contact and provide notice of complaints and/or hearings.

(2)(A) The licensee is required to provide ~~written~~ notice to the board of any change in business and/or residence address within ten (10) working days of the change.

(B) Service of notices of hearing sent by mail will be addressed to latest address on file with the board.

(b)(1) The license number of the responsible master electrician and the company name shall be displayed on a sign at all job sites that do not have a permit issued by a city or county building code enforcement authority.

(2) The sign shall be a minimum of twelve inches (12") by twelve inches (12") and include the name of the electrical contractor, license number of the responsible master, and telephone number, in contrasting colors to the sign color with a minimum letter size of one and one half inches (1 ½").

(c)(1) All licensed electricians and apprentices shall have on their person or immediately available, their license and a form of identification with a photo at all times during which the licensee is performing electrical work.

(2) The license and photo identification shall be provided to any state or local government electrical inspector or building inspector or fire marshal upon request.

17 CAR § 210-~~703~~503. Review of application.

(a) The application and supporting documentation will be reviewed by the Chief Electrical Inspector or his or her designee.

(b)(1) The Chief Electrical Inspector will inform the applicant in writing if he or she determines that the application is incomplete, and will specify why the application is incomplete.

(2) When a completed application, a supplemental application, or the requested information is returned, the Chief Electrical Inspector will reinitiate action on the application for license.

(c) If all requirements of are met, the applicant will be allowed to take the licensing examination.

17 CAR § 210-~~704~~504. Expiration, reinstatement, and renewal.

(a)(1)(A) Licenses shall expire on the date indicated on the license and are renewable on an annual basis.

(B) Licenses shall expire on the last day of the month, one (1) year following the date of issue.

(2) Such licenses may be renewed as provided herein.

~~(3) All licenses originally issued prior to the adoption of this part shall continue to expire as indicated on the license.~~

(b) Licenses may be renewed ~~for one (1) year in the last year of a National Electrical Code ("NEC") cycle, two (2) years in the second year of an NEC cycle, or three (3) years in the first year of an NEC cycle~~ upon a payment of:

(1) Fifty dollars ($50.00) per year for a master electrician's license;

(2) Fifty dollars ($50.00) per year for a residential master electrician's license;

(3) Twenty-five dollars ($25.00) per year for a journeyman electrician's license;

(4) Twenty-five dollars ($25.00) per year for a residential journeyman electrician's license;

~~(5) Twenty-five ($25.00) per year for an air conditioning electrician's license;~~

(~~6~~5) Twenty-five dollars ($25.00) per year for an industrial maintenance electrician's license; and

(~~7~~6) Twenty-five dollars ($25.00) per year for a specialist sign electrician's license.

(c) A license may be renewed within thirty-six (36) months of the expiration date by paying:

(1) The renewal fees stated in subsection (b) of this section;

(2) A late fee equal to one (1) year of the renewal fee plus ten dollars ($10.00) for each calendar month between the expiration date indicated on the license and the date of the application for renewal; and

(3) Any outstanding monetary civil penalty.

(d) A license may be renewed after thirty-six (36) months from the expiration date by: ~~paying the renewal fee stated in subsection (b) of this section plus a penalty of one thousand dollars ($1,000).~~

(1) Paying the renewal fee stated in subsection (b) of this section plus a penalty of thousand dollars ($1,000); and

(2) Retaking the applicable examination.

(e)(1) The Board of Electrical Examiners of the State of Arkansas may, after hearing, deny renewal or reinstatement of a license for cause.

(2) An applicant for renewal or reinstatement of a license may obtain a temporary license to expire on the date of his or her hearing before the board.

(f) **Reinstatement.**

(1) Notwithstanding any rule to the contrary, an individual may seek reinstatement under this subsection, provided the applicant for reinstatement demonstrates that he or she:

(A) Was previously licensed by the board at any time;

(B) Was licensed in good standing at the time of licensing;

(C) Did not have his or her license revoked for an act of bad faith or a violation of law, rule, or ethics; and

(D) Is not holding a suspended or probationary license in a sister state.

(2) Apprenticeship training is not required of applicants for reinstatement who are qualified pursuant to subdivision (f)(1) of this section.

(3) Continuing education requirements apply to a reinstated licensee in the same manner as other licensees.

(4) An applicant for reinstatement shall not be required to comply with the requirements of subdivision (f)(1) of this section if the applicant meets the requirements for reciprocity pursuant to 17 CAR § 210-710.

(5) An application for reinstatement may be reviewed and approved for examination by the ~~Division of Labor's~~Director of Code Enforcement ~~Manager~~.

17 CAR § 210-~~705~~505. No transfer of license.

No person, firm, or corporation licensed under the provisions of Arkansas Code § 17-28-101 et seq., shall alter, transfer, lend, or rent his, her, or its license.

17 CAR § 210-~~706~~506. Retesting required.

~~(a)~~ If any applicant passing any class of examination does not obtain an initial license within ~~one (1) year~~ six (6) months following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board of Electrical Examiners of the State of Arkansas before a license is issued.

~~(b) Grandfather applicants that have not obtained a license within one (1) year of approval shall be required to take an examination as authorized by the board.~~

~~**17 CAR § 210-707. Electrical contractors.**~~

~~An applicant for an electrical contractor's license shall submit to the Board of Electrical Examiners of the State of Arkansas the following:~~

~~(1) An application on a form approved by the board;~~

~~(2) Proof that the applicant is a licensed master electrician or employs a licensed master electrician; and~~

~~(3) If the applicant is not a master electrician, a statement from the master~~

~~electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.~~

17 CAR § 210-~~708~~507. Apprentices.

(a)(1) Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall, within thirty (30) days, register such apprentice with the Board of Electrical Examiners of the State of Arkansas, the Office of Skills Development of the Department of Commerce, and the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT).

(2)(A) The apprentice must begin school no later than the first full semester following the date of hire.

(B) In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT).

(b) ~~An applicant for registration as~~ The school that has an electrical apprentice shall submit the following:

(1) An application on a form approved by the Board of Electrical Examiners of the State of Arkansas;

(2) A registration fee of ten dollars ($10.00);

(3) Satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the OAT.

(c)(1) Apprentice registration certificates shall be valid for one (1) year.

(2) They shall expire on the last day of the month, one (1) year from the date of issue.

(d) Apprentice registration certification ~~may~~ shall be renewed by the school in which they enrolled in by submitting payment of a ten-dollar renewal fee and submission of satisfactory proof of current enrollment in, and attendance of, a training program approved by the OAT.

(e)(1) An apprentice who has successfully completed a certified school or training program and has been released for testing ~~may continue to renew his or her apprentice registration card, if otherwise qualified, without enrolling in a school or training program~~ shall take the exam prescribed for the license classification they are qualified for within twelve (12) months of their completion and release for testing.

(2)(A) Such an apprentice may work as a fourth year apprentice for the purpose of subsection (f) of this section for a period of six (6) months.

(B) If an apprentice has not passed the journeyman electrician examination within ~~six~~ twelve (~~6~~12) months of completing apprenticeship school, the apprentice shall be subject to the same supervision as a third year apprentice pursuant to subsection (f) of this section.

(f) **Ratios and supervision.**

(1) No journeyman or master electrician shall employ or supervise electrical apprentices at a ratio greater than three (3) apprentices to one (1) journeyman or one (1) master electrician on a single electrical job.

(2) An apprentice electrician shall not engage in electrical work unless he or she is supervised by a master electrician or a journeyman electrician.

(3) **Observation of apprentices' work.**

(A) The supervising electrician shall observe the work of an apprentice electrician in person at regular and reasonable intervals.

(B) "Regular and reasonable intervals" shall mean a minimum of the following:

(i) For work on one-family to four-family dwellings:

(a) An apprentice in the first ninety (90) days of employment shall be under the direct, immediate, and continuous supervision of the supervising master or journeyman; and

(b) An apprentice employed from the ninety-first day of employment through two (2) years shall have his or her work observed by the supervising master or journeyman every two (2) to three (3) hours and:

(1) Before the work is operational;

(2) Before it is considered complete; and

(3) Before it is covered; or

(ii) For work on all projects other than one-family to four-family dwellings:

(a) For a first-year apprentice, the supervising electrician shall observe the apprentice's work on a direct and continuous basis;

(b) For a second-year apprentice, the supervising electrician shall observe the apprentice's work every thirty (30) minutes to one (1) hour and before the electrical work is:

(1) Operational;

(2) Considered complete; and

(3) Covered;

(c) For a third year apprentice, the supervising electrician shall observe the apprentice's work every two (2) to three (3) hours and before the work is:

(1) Operational;

(2) Considered complete; and

(3) Covered; and

(d) For a fourth-year apprentice, the supervising electrician shall observe the apprentice's work before the work is:

(1) Operational;

(2) Considered complete; and

(3) Covered.

(4) **Proximity to apprentices.**

(A) The supervising electrician shall remain within reasonable proximity to an apprentice electrician while electrical work is being performed.

(B) The proximity of the supervising electrician to the apprentice electrician is reasonable if:

(i) The supervising electrician is:

(a) Within the line of sight of the apprentice electrician; or

(b) At the same street address at which the apprentice electrician

is working; or

(ii) The job site:

(a) Is not a single-family residence;

(b) Requires a contractor's license; and

(c) The supervising electrician is within the line of sight of the apprentice electrician.

(5)(A) The responsible master electrician is responsible for all the electrical work performed by an apprentice.

(B) This means that it is the supervising electrician's initial responsibility and ultimately the responsible master's obligation to ensure that all electrical work performed by the apprentice is performed in compliance with the standards adopted by this part.

(g) **Classroom study.** The ~~Career Education and Workforce Development Board, through the~~ Office of Skills Development, shall oversee related classroom study of apprentices.

(h)(1) A certificate of registration may be revoked by the Board of Electrical Examiners of the State of Arkansas for cause.

(2) This includes, but is not limited to the following:

(A) Expulsion from or dropping from the training program approved by the OAT;

(B) Performing electrical work which is not performed under the supervision of a licensed master or journeyman electrician; or

(C) Performing electrical work outside the employment of the apprentice's mentoring or sponsoring electrician or electrical contractor.

(i)(1) A licensed electrician shall verify the work hours of any apprentice who has been in his or her employ the previous four (4) years at the request of:

(A) The Department of Labor and Licensing;

(B) The Arkansas Office of Skills Development of the Department of Commerce;

(C) The Office of Apprenticeship; and

(D) Any local apprenticeship committee.

(2) Failure to comply with such a request may result in the assessment of civil money penalties and the revocation or suspension of a license.

17 CAR § 210-~~709~~508. Temporary licenses.

(a) The Board of Electrical Examiners of the State of Arkansas shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

(1) A temporary license fee in the amount of fifty dollars ($50.00) for a master electrician and twenty-five dollars ($25.00) for a journeyman electrician;

(2) A completed application on a form provided by the board; and

(3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in 17 CAR § 210-~~604~~404(b) or (c)~~.~~ and

(4) Submit documentation of the specific industrial project they will be employed.

(b) A temporary license may be renewed one (1) time only for industrial projects, upon submission by the applicant of the items listed in subdivision (a)(1) of this section.

(c) The Director of Code Enforcement ~~the Division of Occupational and Professional Licensing Boards and Commissions~~ may renew a temporary license as a master electrician or journeyman electrician issued by the board for more than one (1) additional period of six (6) months, if:

(1) The renewal is for work to be performed on a specific industry project;

(2) The Director of ~~the Division of Occupational and Professional Licensing Boards and Commissions~~Code Enforcement determines that the additional renewal is necessary because actual construction will exceed one (1) year and an insufficient number of licensed electricians is available to perform the necessary work;

(3) The temporary license is restricted to the industry projects for which it is issued; and

(4) A temporary license fee in the amount of fifty dollars ($50.00) for a master electrician and twenty-five dollars ($25.00) for a journeyman electrician is paid.

(d) The board may issue and renew a temporary license as a master electrician or journeyman electrician for regularly scheduled or emergency maintenance work or shut-downs of not longer than six (6) weeks on industry projects as defined by Arkansas Code § 17-28-102(f).

17 CAR § 210-~~710~~509. Reciprocity.

The Board of Electrical Examiners of the State of Arkansas may issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

Subpart ~~8~~6. Revocation, Suspension, Surrender, and Denial of Licenses

17 CAR § 210-~~801~~601. Authority of the board.

(a) The Board of Electrical Examiners of the State of Arkansas shall have the power to revoke or suspend any license or registration for cause.

(b) This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.

17 CAR § 210-~~802~~602. Automatic suspension of apprentice license/registration.

(a) An apprentice license shall be automatically suspended if the Electrical Section of the ~~Division of Labor~~Department of Labor and Licensing determines that the apprentice is not compliant with 17 CAR § 210-708 of the Rules of the Board of Electrical Examiners of the State of Arkansas.

(b) The section staff shall notify the apprentice and the school in which the apprentice is enrolled of this suspension and that a final revocation hearing has been

scheduled before the board.

(c) The automatic suspension shall continue until:

(1) A final revocation hearing before the board; or

(2) The apprentice proves compliance with 17 CAR § 210-708.

17 CAR § 210-~~803~~603. Complaints against licensee.

(a)(1) Any party who is wronged or damaged by an individual or company licensed by the Board of Electrical Examiners of the State of Arkansas in the performance of electrical work on his, her, or its property may make written notice of complaint to the board.

(2) Such complaint shall state the actions of the license holder or holders causing damage to the complainant.

(3) Damage or wrongful action which may be investigated includes, but is not limited to, the following:

(A) Property damage;

(B) Electrical work that does not comply with the minimum standards for such work established by Subpart ~~6~~ 4 of this part;

(C) Threats of bodily harm made by a licensee; and

(D) Accepting payment for electrical work or supplies that is not performed or provided.

(b)(1) Upon receipt of a written complaint made against any party holding a license issued by the board, the Department of Labor and Licensing, Electrical Section staff may investigate said complaint to ascertain information relating to the complaint.

(2) The board may, on its own motion, cause a staff investigation of any licensee's compliance with the provisions of the act or the rules of the board.

(c)(1) After investigation, the Arkansas Department of Labor and Licensing, Electrical Section staff shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing.

(2) If such allegations are sufficient to warrant a hearing, staff shall recommend to the board that a revocation/suspension hearing take place.

(d)(1) Any licensee shall be provided at least twenty (20) days' notice of any revocation or suspension hearing.

(2) Such notice may be provided by certified mail to the last address provided to the board by the licensee.

(3) Notice shall contain a statement of the allegations and conform to the requirements of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., and this part.

(e) The department may impose a civil money penalty subject to appeal to the board pursuant to Subpart ~~9~~ 7 of this part.

17 CAR § 210-~~804~~604. Emergency action.

(a)(1) If the Board of Electrical Examiners of the State of Arkansas finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the board can summarily suspend, limit, or restrict a license.

(2) The notice requirement in 17 CAR § 210-507 does not apply and must not be construed to prevent a hearing at the earliest time practicable.

(b) **Emergency order.**

(1) An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the Division of Labor.

(2) The written order must include notification of the date on which division proceedings are scheduled for completion.

(3) **Written notice.**

(A) The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order.

(B) One (1) or more of the following procedures will be used:

(i) Personal delivery;

(ii) Certified mail, return receipt requested, to the last address on file with the division;

(iii) First class mail to the last address on file with the division; or

(iv) **~~Fax~~Email.** ~~Fax~~ Email may be used as the sole method of delivery if the person required to comply with the order has filed a written request that division orders be sent by ~~fax~~ email and has provided a ~~fax number~~email address for that purpose.

(4) **Oral notice.** Unless the written emergency order is served by personal delivery on the same day that the order issues, the division shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

(c) Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to subsection (a) of this section, the division must initiate a formal suspension or revocation proceeding.

17 CAR § 210-~~805~~605. Denial of license — Right to appeal.

(a) Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant.

(b) The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full Board of Electrical Examiners of the State of Arkansas.

(c)(1) The applicant shall be provided at least twenty (20) days' notice of the hearing before the full board.

(2) Such notice will be provided by regular mail to the address on the application.

17 CAR § 210-~~806~~606. Notice and burden of proof.

(a) Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the Electrical Section will serve the licensee a notice of hearing in the manner set out in Arkansas Code § 25-15-208 and 17 CAR § 210-507.

(b) The Electrical Section has the burden of proving the alleged facts and violations of law stated in the notice.

17 CAR § 210-~~807~~607. Voluntary surrender of license.

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the ~~Division of Labor~~Code Enforcement Section determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

17 CAR § 210-~~808~~608. Duty of sanctioned licensee.

In every case in which a license is revoked, suspended, or surrendered, the licensee shall, within thirty (30) days of the revocation, suspension, or surrender, do the following:

(1) Return his or her license to the Electrical Section's office;

(2) Notify all of his or her clients or employer in writing that his or her license has been:

(A) Revoked;

(B) Suspended; or

(C) Surrendered.

(3) Notify all clients or his or her employer to make arrangements for other services, calling attention to any urgency in seeking the substitution of another licensee;

(4) Deliver to all clients or employer any papers or property to which they are entitled, or notify the client or employer of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

(5) Refund any part of the fees paid in advance that have not been earned;

(6) Keep and maintain a record of the steps taken to accomplish the foregoing;

(7)(A) File with the Electrical Section a list of all other state, federal, and

administrative jurisdictions by which he or she is licensed.

(B) Upon such filing, the ~~Division of Labor~~Code Enforcement Section will notify those entitled of the:

(i) Revocation;

(ii) Suspension; or

(iii) Surrender; and

(8)(A) The sanctioned licensee shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her noncompliance.

(B) Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

17 CAR § 210-~~809~~609. Reinstatement after suspension.

(a) An order suspending a license may provide that a person desiring reinstatement may file with the Board of Electrical Examiners of the State of Arkansas a verified petition requesting reinstatement.

(b) The petition for reinstatement must set out the following:

(1) That the individual has fully and promptly complied with the requirements of 17 CAR § 210-807 pertaining to the duty of a sanctioned licensee;

(2) That the individual has refrained from practicing in this occupation or business during the period of suspension;

(3) That the individual's license fee is current or has been tendered to the ~~Division of Labor~~board; and

(4) That the individual has fully complied with any requirements imposed as conditions for reinstatement.

(c) Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

(d) Failure to comply with the provisions of 17 CAR § 210-807(7) and (8) precludes consideration for reinstatement.

(e) No individual will be reinstated unless the board approves reinstatement upon a recommendation from the board by a majority vote.

17 CAR § 210-~~810~~610. Relicensure for revoked or surrendered license.

(a)(1) No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the Board of Electrical Examiners of the State of Arkansas.

(2) The application for relicensure is not allowed until at least two (2) years after the revocation or surrender of the license took effect.

(b) The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of his or her license, that he or she can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and he or she is otherwise qualified for the license.

(c) The board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

(d) The board may require that the person seeking relicensure take the licensing exam.

(e) The applicant must comply with the same terms as provided in paragraph (I) of this subpart for reinstatement following a suspension.

Subpart ~~9~~7. Civil Money Penalties

17 CAR § 210-~~901~~701. Civil penalties, generally.

(a)(1) Any person, firm, or corporation that violates provisions of Arkansas Code §§ 17-28-101 – 17-28-310 or Arkansas Code §§ 20-31-101 – 20-31-105, or any rule, regulation, or order promulgated by the Board of Electrical Examiners of the State of Arkansas, or any condition of a license, certificate, or registration issued by the board ~~shall be subject to a civil penalty that shall not exceed the following:~~may, in accordance with the rules issued by the board, be assessed a civil penalty by the board.

(2)(A) The penalty shall not exceed one thousand dollars ($1,000) for each

violation, and each violation of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

(B)(i) Prior to the assessment of a civil penalty, the responsible license holder charged with any code violations shall be given an opportunity to correct the violations.

(ii) Any person(s) who has performed electrical work without holding an electrical license or working outside the scope of their license, shall be allowed to bring a competent, licensed electrician to complete or correct any electrical work that is in violation of the code at his or her expense.

(C) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing, in accordance with the Administrative Procedure Act, on the violation.

(3) If the amount of any civil penalty levied by the board is not paid within sixty (60) days, the civil penalty may be recovered in a civil action brought by the board in a court of competent jurisdiction, without paying costs or giving bond for costs.

~~(1) Two hundred fifty dollars ($250) for a first offense;~~

~~(2) Seven hundred fifty dollars ($750) for a second offense; and~~

~~(3) One thousand dollars ($1000) for a third offense.~~

~~(b) Each day of a continuing violation shall constitute a separate offense.~~

(~~c~~b) Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.

~~(d) The amount of civil penalties will be determined in accordance with 17 CAR § 210-903 and 17 CAR § 210-904.~~

(~~e~~c)(1) Nothing in this part shall abridge the authority of the board to revoke or suspend any license for cause.

(2) A licensee may be assessed a civil money penalty and have his or her license suspended or revoked for the same offense.

(d) The Secretary of the Department of Labor and Licensing or his or her designee is authorized to petition any court of competent jurisdiction to enjoin or restrain any person who performs electrical work without a license or who otherwise violates the

board's laws and rules.

~~**17 CAR § 210-902. Notice of civil money penalty assessment.**~~

~~(a) In civil penalty cases, the staff of the Electrical Section of the Department of Labor and Licensing shall notify the person, firm, or corporation charged with the violation by regular mail (at the last known address on file with the Division of Labor, if the individual is licensed) of the following:~~

~~(1) The type of violation or violations:~~

~~(2) The date or dates of the violation or violations;~~

~~(3) The amount of the civil penalty for the violation or violations;~~

~~(4) The civil penalty determination issued by the Electrical Section staff shall be final, unless within twenty (20) days after receipt of this notice, the person, firm, or corporation notifies the Director of the Division of Labor in writing that the person, firm, or corporation contests the penalty; and~~

~~(5) The procedure for contesting a civil penalty as provided in 17 CAR § 210-905.~~

~~(b) If the person, firm, corporation, partnership, or association charged with the violation has not filed written notice with the director that the charged party contests the civil penalty within twenty (20) days after receiving notice in accordance with 17 CAR § 210-902(a), the penalty assessment by the Electrical Section staff shall become the final determination of the director.~~

~~(c) Notice of the civil penalty may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the department.~~

~~**17 CAR § 210-903. Civil penalty assessment**.~~

~~(a) If upon inspection or investigation, the Department of Labor and Licensing finds that a person, firm, or corporation has violated any provisions of Arkansas Code §§ 17-28-101 – 17-28-310 or Arkansas Code §§ 20-31-101 – 20-31-105; or any rule or order promulgated by the Board of Electrical Examiners of the State of Arkansas; or any~~

~~condition of a license, certificate, or registration issued by the board, such person, firm, or corporation shall be subject to a civil penalty that shall not exceed the following:~~

~~(1) Two hundred fifty dollars ($250) for a first offense;~~

~~(2) Seven hundred fifty dollars ($750) for a second offense; and~~

~~(3) One thousand dollars ($1000) for a third offense.~~

~~(b) The amount of a civil penalty will be based on the violation fine schedule in 17 CAR § 210-904.~~

~~(c)(1) The violation fine schedule is only a guideline to assist in consistent application of civil monetary penalties.~~

~~(2) The board shall only be bound by the statutory fine scale described in Arkansas Code § 17-28-309(b)(2).~~

~~(d)(1) Upon appeal, the board may exercise its discretion in determining the appropriate penalty according to the violation fine schedule in 17 CAR § 210-904.~~

~~(2) In determining the amount of a civil monetary penalty, the board may consider:~~

~~(A) The degree and extent of harm to the public safety or to property, or the potential for harm;~~

~~(B) The duration and gravity of the violation;~~

~~(C) Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;~~

~~(D) Whether the violation involved elements of fraud or deception either to the public or to the board, or both;~~

~~(E) The violator's prior disciplinary record with the board; and~~

~~(F) Whether and to the extent which the violator profited by the violation.~~

~~(e) No civil penalty assessments older than two (2) years shall be used as the basis for a progressive discipline pursuant to the violation fine schedule in 17 CAR § 210-904.~~

~~(f) No provision of this subsection shall abridge authority of the board to evaluate all past civil money assessments by any person, firm, or corporation to revoke or suspend any license for any offense.~~

17 CAR § 210-904. Violation fine schedule.

(a)(1) The violation fine schedule is only a guideline to assist in consistent application of civil monetary penalties.

(2) The Board of Electrical Examiners of the State of Arkansas shall only be bound by the statutory fine scale described in Arkansas Code § 17-28-309(b)(2).

(b) The aggravating and mitigating factors in 17 CAR § 210-903(d) may affect the final civil monetary penalty assessed.

(c) Nothing in this part shall abridge the authority of the board to revoke or suspend any license for any offense.

FINE SCHEDULE

VIOLATION	STATUTE OR RULE PROVISION	1ST	2ND	3RD
Failure to possess appropriate license for electrical work	Arkansas Code § 17-28-304	$50	$100	Discretionary (up to $1000 per day)
Providing false or misleading advertising	Arkansas Code § 17-28-304	$250	$500	Discretionary (up to $1000 per day)
Failure to correct code violations within a reasonable time	Arkansas Code § 20-31-105	$250	$750	Discretionary (up to $1000 per day)

VIOLATION	STATUTE OR RULE	1ST	2ND	3RD

	PROVISION			
Failure of a licensee to maintain supervisory ratio of one licensed electrician to two apprentices on a construction project at any one time, or to maintain an overall employment ratio of one to one, except as another ratio may be approved by BAT	17 CAR § 210-708(f) (Violations of this rule shall be assessed per apprentice out of the required ratio)	$75	$150	Discretionary (up to $1000 per day)
Performing electrical work beyond the authorization of the electrical license or registration	Arkansas Code § 17-28-101 and 17 CAR § 210-101(a)(1—6)	$50	$100	Discretionary (up to $1000 per day)
Failure of apprentice to register with the Arkansas Department of Labor and Licensing	17 CAR § 210-708	$10	$20	Discretionary (up to $1000 per day)
Employment by an electrical contractor licensed by the Arkansas Department of	17 CAR § 210-1001(f)	$250	$750	Discretionary (up to $1000 per day)

Labor and Licensing or by a master electrician of unlicensed or unregistered persons doing electrical work				
VIOLATION	STATUTE OR Rule PROVISION	1ST	2ND	3RD
Deception misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	Arkansas Code § 17-28-303 and 17 CAR § 210-801 and 17 CAR § 210-705	$250	$750	Discretionary (up to $1000 per day)
Other Violations		Discretionary (up to $250 per day)	Discretionary (up to $750 per day)	Discretionary (up to $1000 per day)

17 CAR § 210-905. Contesting a civil penalty.

(a)(1) The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director of the Division of Labor, Department of Labor and Licensing, 900 West Capitol, Suite 400, Little Rock, AR 72201.

(2) The written request must be made within twenty (20) days after receipt of notification of the civil penalty or the assessment will become final.

(b) A written request for a hearing shall be scheduled for a hearing before the Board of Electrical Examiners of the State of Arkansas.

(c)(1) The person, firm, or corporation shall be provided at least twenty (20) days' notice of the hearing.

(2) Such notice shall include a:

~~(A) Statement of the time, date, place, and nature of the hearing;~~

~~(B) Statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(C) Short and plain statement of the matters of fact and law asserted; and~~

~~(D) Statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the director for the attendance and testimony of witnesses and the production of documents.~~

~~(d)(1) The board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law.~~

~~(2) Such decision shall become the final determination of the board, unless judicial review is sought within thirty (30) days pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-212.~~

~~(e) If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the director may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.~~

~~**17 CAR § 210-906. Failure to pay civil monetary penalties.**~~

~~(a) If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Division of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.~~

~~(b) Failure to pay assessed fines may result in the denial, revocation, or suspension of any electrical license or certification.~~

Subpart ~~10~~8. Nonlicensed Persons Performing Electrical Work

17 CAR § 210-~~1001~~801. Nonlicensed persons performing electrical work.

(a) The Board of Electrical Examiners of the State of Arkansas staff shall investigate complaints and allegations against any person or corporation not licensed by the board

for violation of Arkansas Code §§ 17-28-101 et seq., the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq., or the rules of the board adopted pursuant thereto.

(b) After investigation, the Chief Electrical Inspector shall make an initial determination of whether there has occurred a violation of Arkansas Code § 17-28-101 et seq., the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq., or the rules of the board adopted pursuant thereto.

(c)(1) Notification shall be mailed by certified mail to the last known address of any person or persons or corporation or corporations or other entity determined to be in violation.

(2) This notice shall conform to the requirements of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., and shall specifically contain a statement:

(A) Of the allegations against the person or corporation;

(B) That the person or corporation is entitled to a hearing before the board on the allegations, provided a written request for a hearing is received by the board within twenty (20) days of receipt of the notice; and

(C) That the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at any scheduled hearing will result in the Director of Code Enforcement ~~the Division of Labor~~ seeking injunctive relief and/or filing a criminal complaint with the local prosecuting attorney.

(d) Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.

(e) If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Arkansas Code § 17-28-101 et seq., the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq., or the rules of the board adopted pursuant thereto, without providing notice and the opportunity for hearing.

(f) No person licensed by this board shall employ unlicensed persons or unregistered apprentices to perform electrical work without an exemption.

(g)(1) Any electrical work performed by a nonlicensed person that does not comply with the minimum standards established by Subpart ~~6~~ 4 of this part, may be required to be removed at the discretion of a state electrical inspector.

(2)(A) The responsibility and costs for removal shall be that of the nonlicensed person.

(B) In the event the nonlicensed person is employed by a licensed electrician or an electrical contractor, the responsibility and costs for removal shall be that of the licensee or the responsible master electrician employed by the contractor.

Subpart ~~11~~9. Restricted Lifetime Master Electrician's License

17 CAR § 210-~~1101~~901. Qualifications.

To qualify for a restricted lifetime master or journeyman electrician license, an applicant shall:

(1) Have been a licensed master electrician licensed by the Board of Electrical Examiners of the State of Arkansas for not less than twelve (12) years;

(2) Be at least sixty-five (65) years of age; and

(3) Have a current license as a master or journeyman electrician issued by the board at the time of application for a restricted lifetime master electrician license.

17 CAR § 210-~~1102~~902. Application.

(a) Application for a restricted lifetime master or journeyman electrician license shall be on a form approved by the Board of Electrical Examiners of the State of Arkansas.

(b) The applicant for a restricted lifetime master or journeyman electrician license shall submit with the application satisfactory proof of age, which may include one (1) of the following:

(1) A birth certificate;

(2) A passport or certificate of arrival in the United States;

(3) A state-issued driver's license or identification card;

(4) Any document issued by the United States Armed Forces which includes a photograph or information including name, sex, date of birth, and other identifying information; or

(5) Any other document of similar reliability.

(c) The applicant for a restricted lifetime master or journeyman electrician license shall have a current license with no unpaid fees, fines, or penalties.

17 CAR § 210-~~1103~~1903. Restrictions.

(a) A person holding a restricted lifetime master or journeyman electrician license is authorized to perform any work authorized for a master or journeyman electrician.

(b) Such license is nontransferable.

17 CAR § 210-~~1104~~904. Fees.

The fee for issuance of a restricted lifetime master or journeyman electrician license shall be fifty dollars ($50.00).

17 CAR § 210-~~1105~~905. Term of license.

The restricted lifetime master or journeyman electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board of Electrical Examiners of the State of Arkansas for cause.

17 CAR § 210-~~1106~~906. Revocation or suspension.

(a)(1) The Board of Electrical Examiners of the State of Arkansas may revoke or suspend a restricted lifetime master or journeyman electrician license for the same reasons and in the same manner as any other master or journeyman electrician license.

(2) Grounds for suspension or revocation include, but are not limited to, the performance or supervision of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.

(b) Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master or journeyman electrician license to the last address on file with the board.

(c)(1) Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by this part.

(2) See Subpart ~~8~~ 6 of this part, Revocation, Suspension, Surrender and Denial of Licenses.

17 CAR § 210-~~1107~~907. Change of address.

The holder of a restricted lifetime master or journeyman electrician license shall notify the Board of Electrical Examiners of the State of Arkansas of any change of address following issuance of the license.

Subpart ~~12~~10. Continuing Education

17 CAR § 210-~~1201~~1001. Holders of restricted lifetime licenses.

The holder of a restricted lifetime master or journeyman electrician license shall complete the eight (8) hours of continuing education required for a master or journeyman electrician license for any period in which electrical work is performed for remunerative purposes, whether as an employee or independent contractor.

17 CAR § 210-~~1202~~1002. Continuing education required.

(a) A journeyman electrician license or master electrician licensee shall complete at least eight (8) hours of continuing education for each National Electrical Code (NEC) cycle before renewing his or her license.

(b)(1) Continuing education shall consist of classroom or other Board of Electrical Examiners of the State of Arkansas-approved instruction relating specifically to the National Electrical Code.

(2) The NEC cycle shall begin on January 1 of each year of NEC publication.

17 CAR § 210-~~12031~~1003. Approved continuing education hours.

(a) Continuing education hours required by this part shall be obtained only in programs and courses approved by the Board of Electrical Examiners of the State of Arkansas.

(b) The board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate NEC instruction.

(c)(1) Course curricula shall be presented to the board for approval at least ~~sixty~~ thirty (~~60~~30) days prior to the date of the course.

(2) The curricula shall be presented on a form approved by the board.

(3) Electrical Section staff may recommend course providers and curricula to the board for approval.

(4) The board may approve retroactive credit for courses completed during the current NEC cycle but before the effective date of this part.

(d)(1)(A) Upon completion of a board-approved course, the course provider shall complete an attendance roster form approved by the board to confirm completion.

(B) The course provider shall submit this form to the ~~board or the~~ Electrical Section, ~~Division of Labor,~~ Department of Labor and Licensing.

(C) The course provider's roster is the only document acceptable to confirm completion of course credit.

(D) The course provider shall issue a certificate of completion to the attendee meeting the class requirements.

(E) The certificate of completion shall contain the following information:

(i) The course title and designated course number issued by the board;

(ii) The date of the course and location;

(iii) The name and license number of the attendee; and

(iv) The instructor's name.

(2) Each course provider shall maintain this information not less than five (5) years from the course completion date.

(e) The Electrical Section shall maintain:

(1) The attendance rosters submitted by course providers; and

(2) A list of board-approved courses.

17 CAR § 210-~~1204~~1004. Continuing education for apprentices.

No apprentice that completes an apprenticeship program and passes the journeyman exam shall be required to obtain additional continuing education hours during that NEC cycle.

17 CAR § 210-~~1205~~1005. Failure to complete continuing education hours.

If any licensee fails to complete the required continuing education hours before the end of the first year of each new NEC cycle, ~~the Board of Electrical Examiners of the State of Arkansas may, after hearing, deny renewal of a license for cause.~~ the licensee may not renew his or her license until the licensee:

(a) Obtains the required continuing education hours and submits proof of completion of the continuing education hours to the board; and

(b) Pays all fees and penalties required.

Subpart ~~13~~11. Code Enforcement

17 CAR § 210-~~1301~~1101. Inspection.

(a) An electrical inspector of the Department of Labor and Licensing may require electrical work to be exposed for inspection, including the removal of sheetrock or other finish material applied to walls, floors, or ceilings in the following circumstances:

(1) The electrical work had not been subject to inspection by a city or county code enforcement authority; and

(2)(A) The state inspector has evidence of serious violations of the standards established by Subpart ~~6~~ 4 of this part in the visible electrical work.

(B) "Serious violations" include the following:

(i) Open conductors or unapproved raceways;

(ii) Open splices not in approved boxes;

(iii) Cables not protected from physical damage;

(iv) Unapproved wiring, such as telephone or thermostat wire for one hundred twenty-volt receptacles; and

(v) Romex cable run in air plenums in walls.

(b) Any property damage caused in order to expose electrical work for inspection or in order to correct violations of the minimum standards established by Subpart ~~6~~ 4 of this part, shall be repaired by the responsible electrician so that the property is in the same or equivalent status as before the correction or exposure.

(c) Disconnecting devices or equipment is not an acceptable method of correcting violations to the minimum standards established by Subpart ~~6~~ 4 of this part.

Subpart ~~14~~12. Electrical Inspectors

17 CAR § 210-~~1401~~1201. Definitions.

As used in this subpart:

(1) "Electrical inspector" means any individual who is limited by license classification to inspecting the electrical work of others for code compliance or verifying mandatory licensing or permitting requirements as an employee of, or on behalf of, the State of Arkansas or any political subdivision of the state; and

(2) "Political subdivision of the state" means any state or local governmental entity, including without limitation any state agency, board, commission, state-supported institution of higher education, city, county, township, or municipal corporation and any other body, corporate and politic, that is responsible for government activities in a geographical area smaller than that of the state.

17 CAR § 210-~~1402~~1202. License requirement.

No person shall perform work as an electrical inspector for the state or any political subdivision of the state without a license issued by the Board of Electrical Examiners of the State of Arkansas.

17 CAR § 210-~~1403~~1203. Application and qualifications.

(a) A person shall apply for licensure as an electrical inspector on a form approved by the Board of Electrical Examiners of the State of Arkansas within thirty (30) days of employment or appointment as an electrical inspector.

~~(b) Any person employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of this part, shall apply for licensure no later than April 1, 2014.~~

(~~c~~b) Any person employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of this part shall be qualified~~,~~ ~~without additional proof of experience~~, for licensure as an electrical inspector and shall submit proof of the following with the application:

(1) Proof of current employment or appointment as an electrical inspector by the state or a political subdivision of the state;

(2) Proof of employment or appointment as an electrical inspector by the state or a political subdivision of the state on the effective date of this part; and

~~(3) A license fee of fifty dollars ($50.00).~~

~~(d) Any person not employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of this part shall submit the following with the application:~~

~~(1) Proof of current employment or appointment as an electrical inspector with the state or any political subdivision of the state;~~

~~(2) A license fee of fifty dollars ($50.00); and~~

(3) Proof of work experience as follows:

(A) Licensure by the board as a master electrician or a journeyman electrician, or by the State of Arkansas as an electrical engineer;

(B) ~~Four~~ Two (~~4~~2) years of experience working with the materials and methods used in the installation of electrical equipment and facilities; or

(C)(i) A combination of training and experience as the board may approve as being equivalent to that as specified in subdivisions (~~c~~b)(3)(A) and (B) of this section

which include the following:~~.~~

(a) Two (2) years of code related inspection experience in a state or political subdivision;

(b) Either possess or have the ability to acquire an electrical inspector certification from the NFPA or other like nationally recognized organization within one (1) year of employment; and

(c) Achieve an IRC or IBC certification in the International Code Council within eighteen (18) months of employment.

(ii) In such an event, the board may impose training requirements in addition to the annual continuing education requirements of 17 CAR § 210-1405, as a condition of obtaining or maintaining licensure as an electrical inspector.

(4) A license fee of fifty dollars ($50.00).

(e) Any person licensed pursuant to subsection (c) of this section must maintain continuous employment as an electrical inspector by the state or a political subdivision of the state, or be required to submit proof of work experience as required by subsection (d) of this section upon renewal.

17 CAR § 210-~~1404~~1204. Renewal of license.

(a) All electrical inspector licenses shall expire January 1 of each year.

(b) Application for renewal of an electrical inspector license shall include:

(1) Proof of continued employment or appointment as an electrical inspector with the state or any political subdivision of the state;

(2) Proof of ~~sixteen~~ eight (~~16~~8) hours of continuing education as approved by the Board of Electrical Examiners of the State of Arkansas; and

(3) Payment of an annual license fee of fifty dollars ($50.00).

(c) Any outstanding civil money penalty must be paid before a license may be renewed.

17 CAR § 210-~~1405~~1205. Continuing education.

(a)(1) An electrical inspector shall complete ~~sixteen~~ eight (~~16~~8) hours of continuing

education each calendar year.

(2) Proof of this continuing education is required for license renewal, regardless of the date of original licensure.

~~(b) Beginning January 2014, during the first year of each three-year publication cycle of the National Electrical Code, annual continuing education training shall consist of:~~

~~(1) Eight (8) hours on the changes contained in the National Electrical Code as currently adopted or pending adoption by the Board of Electrical Examiners of the State of Arkansas; and~~

~~(2)~~(b)(1)The ~~Eight~~ eight (8) hours of training will be conducted and sponsored by the Department of Labor and Licensing.

(2) In the event the Department is unable to conduct the training, the board may engage a qualified provider for Department sponsored training, taught by a recognized instructor or a nationally recognized inspector organization as approved by the board.

~~(c) During the second and third year of each three-year publication cycle of the National Electrical Code, annual continuing education training shall consist of:~~

~~(1) Eight (8) hours of training sponsored by the department; and~~

~~(2) Eight (8) hours of training sponsored by the department or a nationally recognized inspector organization as approved by the board.~~

(~~d~~c) The costs of training provided by the department shall be fifty dollars ($50.00) per eight-hour session.

(ed) Instructors shall get continuing education credit for teaching a class on an hour-for-hour basis.

17 CAR § 210-~~1406~~1206. Revocation, suspension, surrender, and denial of license.

(a)(1) The Board of Electrical Examiners of the State of Arkansas has the authority to revoke or suspend an electrical inspector's license for just cause subject to hearing before the board pursuant to the Arkansas Administrative Procedure Act, Arkansas Code

§ 25-15-201 et seq.

(2) Additional procedures are contained in Subpart ~~8~~ 6 of this part.

(b) Just cause shall include, but not be limited to the following:

(1) Willful failure to inspect to the standards of the State Electrical Code as adopted by the board;

(2) Violating a provision of Arkansas Code § 17-55-101 et seq.;

(3) Violating any statutory provision relating to electricians, if the inspector is also a licensed electrician or electrical apprentice;

(4) Violating a rule or order issued or promulgated by the board; or

(5) Violating a condition of a license issued by the board.

17 CAR § 210-~~1407~~1207. Civil money penalties.

(a) A civil penalty may be assessed against an electrical inspector by the Department of Labor and Licensing and subject to appeal and hearing before the Board of Electrical Examiners of the State of Arkansas pursuant to the Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., if it is determined that the electrical inspector has violated a:

(1) Provision of Arkansas Code § 17-55-101 et seq.;

(2) Rule or order issued or promulgated by the board; or

(3) Condition of a license issued by the board.

(b) The provisions and procedures contained in Subpart ~~9~~ 7 of this part apply to civil money penalties assessed against electrical inspectors.

17 CAR § 210-~~1408~~1208. Prohibited conduct.

(a) Licensure as an electrical inspector does not qualify or authorize a person to act as an electrician.

(b) An electrical inspector shall not inspect electrical work that he or she installed or supervised.

(c)(1) An electrical inspector shall perform electrical inspections only within the political subdivision in which he or she is employed.

(2) An electrical inspector may be employed by multiple political subdivisions and may perform electrical inspections in each.

17 CAR § 210-~~14091~~1209. Other provisions.

(a) A person licensed as a master or journeyman electrician who is also employed as a licensed electrical inspector shall be exempt from:

(1) License renewal fees for the master or journeyman electrician license pursuant to 17 CAR § 210-704, provided the person holds a current electrical inspector license; and

(2) Continuing education requirements for the master or journeyman license pursuant to Subpart ~~12~~ 10 of this part, provided the continuing education requirements for an electrical inspector pursuant to 17 CAR § 210-1405, are met.

(b) Nothing in this part shall be construed to require a person to hold a license to perform electrical work on their own primary residence except as otherwise required by:

(1) State law;

(2) Rules; or

(3) Local ordinances.

(c) An electrical inspector employed by the Department of Labor and Licensing may perform electrical inspections anywhere within the State of Arkansas.

(d) Nothing in this part shall be construed to prohibit a person licensed as an electrical inspector or an electrician from performing work free of charge on his or her own properties, properties of family members, or for a nonprofit charity if the person holds the requisite license for the work performed free of charge.

Subpart ~~15~~13. Uniformed Service Members, Veterans, and Spouses

17 CAR § 210-~~1501~~1301. Definition.

As used in this subpart, "uniformed services veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

17 CAR § 210-~~1502~~1302. Automatic Licensure.

(a) The Board of Electrical Examiners of the State of Arkansas shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the United States and is:

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

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

(3) The spouse of:

(A) A person under (a)(1) or (a)(2) of this section;

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

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

(b) The board shall grant automatic licensure upon receipt of all of the following:

(1) Payment of the initial application and licensure fee;

(2) Evidence that the individual holds a license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under Subpart ~~15~~ 13 of this part.

17 CAR § 210-~~1503~~1303. License expiration.

(a) A license held by a uniformed military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the uniformed military service member's or spouse's return from active deployment.

(b) The licensee must submit proof of deployment and deployment dates.

17 CAR § 210-~~1504~~1304. Continuing education.

A uniformed service member deployed outside the State of Arkansas or his or her spouse shall have an additional one hundred eighty (180) days to obtain the eight (8) hours of continuing education required by Subpart ~~12~~ 10 of this part, dating from the:

(1) Three (3) years provided by Subpart ~~12~~ 10 of this part; or

(2)(A) Date of return from deployment, whichever is longer.

(B) For this option the licensee must submit proof of deployment and deployment dates.

State of Arkansas *As Engrossed: S4/7/25*
95th General Assembly **A Bill**
Regular Session, 2025 SENATE BILL 627

By: Senators Irvin, *J. Bryant*
By: Representatives Wooldridge, Cozart, McGrew, Andrews

For An Act To Be Entitled

AN ACT TO ASSIST THE ADMINISTRATION OF THE CODE ENFORCEMENT SECTION OF THE DEPARTMENT OF LABOR AND LICENSING; TO REPEAL THE ELECTRICAL CONTRACTOR AND AIR CONDITIONING ELECTRICIAN LICENSES; TO TRANSFER AND UPGRADE THE CLASS C HVACR LICENSE; TO IMPROVE THE LICENSING OF APPRENTICE ELECTRICIANS; TO HELP THE ELEVATOR OWNERS SATISFY TESTING REQUIREMENTS; TO CLARIFY ANNUAL LICENSING RENEWAL PERIODS; TO AID IN THE ADMINISTRATION OF THE STATE'S ELECTRICIAN, HVACR, ELEVATOR, AND BOILER SAFETY LAWS; AND FOR OTHER PURPOSES.

Subtitle

TO ASSIST THE ADMINISTRATION OF THE CODE ENFORCEMENT SECTION OF THE DEPARTMENT OF LABOR AND LICENSING AND THE STATE'S ELECTRICIAN, HVACR, ELEVATOR, AND BOILER SAFETY LAWS.

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

SECTION 1. Arkansas Code § 17-28-101(1), concerning the definition of air conditioning electrician, is repealed.

~~(1) "Air conditioning electrician" means an individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of~~

~~supplying heating and air conditioning and refrigeration units;~~

SECTION 2. Arkansas Code § 17-28-102(c)(1), concerning the construction and exemptions of line voltage power wiring, is amended to read as follows:

(c)(1) Any holder of a state-issued heating, ventilation, air conditioning, and refrigeration, or HVACR, license may run line voltage power wiring in compliance with the state electric code from a disconnect box to an outdoor HVACR unit within a distance not to exceed ~~ten (10')~~ seventy-five (75') feet from any point of the HVACR equipment without obtaining an electrician's license as required by this chapter.

SECTION 3. Arkansas Code § 17-28-203(a), concerning fees for the licensing examinations of electricians, is amended to read as follows:

(a) The Board of Electrical Examiners of the State of Arkansas is authorized to conduct examinations of persons applying for a license as a master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, ~~air conditioning electrician,~~ specialist sign electrician, or residential journeyman electrician. These persons shall pay fees established by the board, but in no event shall such examination fees exceed the following:

(1) Master electrician $100.00

(2) Journeyman electrician 100.00

(3) Industrial maintenance electrician 50.00

(4) Residential master electrician 100.00

(5) Residential journeyman electrician 100.00

~~(6) Air conditioning electrician ..... 100.00~~

~~(7)~~(6) Specialist sign electrician with parking lot endorsement 100.00

SECTION 4. Arkansas Code § 17-28-301 is amended to read as follows:

17-28-301. Electrician's license — Issuance and renewal — Fees.

(a) Individuals passing the master, journeyman, residential master, residential journeyman, ~~air conditioning electrician,~~ specialist sign electrician, or industrial maintenance electrician's examination as specified in § 17-28-203 shall be issued a license of the same class as that of the

examination upon payment of the following fees:

(1) Master electrician $50.00

(2) Journeyman electrician 25.00

(3) Industrial maintenance electrician 25.00

(4) Residential master electrician 50.00

(5) Residential journeyman electrician 25.00

~~(6) Air conditioning electrician ..... 25.00~~

~~(7)~~(6) Specialist sign electrician with parking lot endorsement ..... 25.00.

(b)(1) Licenses shall expire on the date indicated on the licenses.

(2) The license may be renewed for a period of one (1)~~, two (2), or three (3) years~~ year with the fee to be as follows:

(A) Master electrician ..... $50.00 per year

(B) Journeyman electrician ..... 25.00 per year

(C) Industrial maintenance electrician ..... 25.00 per year

(D) Residential master electrician ..... 50.00 per year

(E) Residential journeyman electrician ..... 25.00 per year

~~(F) Air conditioning electrician ..... 25.00 per year~~

~~(G)~~(F) Specialist sign electrician with parking lot endorsement ..... 25.00 per year.

(3) A licensee may renew his or her license ~~within thirty-six (36) months~~ following the expiration date on the license by paying:

(A) The renewal fee under subdivision (b)(2) of this section;

(B) A late fee equal to one (1) year of the renewal fee plus ten dollars ($10.00) for each calendar month between the expiration date indicated on the license and the date of application for renewal; and

(C) Any outstanding monetary civil penalty.

(4) If a licensee shall fail to renew his or her license within thirty-six (36) months after the expiration date on the license, the licensee may reinstate his or her license by retaking the examination required under § 17-28-203 and paying:

(A) The fees and any applicable penalty under subdivision (b)(3) of this section; and

(B) An additional penalty of one thousand dollars ($1,000).

(5)(A) The Board of Electrical Examiners of the State of Arkansas may, after hearing, deny renewal or reinstatement of a license for cause.

(B) The applicant for renewal or reinstatement of a license may obtain a temporary license to expire on the date of his or her hearing before the board.

(6) If a person simultaneously holds an electrical inspector license and a license as a master electrician or a journeyman electrician, the person, when renewing his or her master electrician or journeyman electrician license, shall be exempt from the:

(A) Renewal fee under this section; and

(B) Continuing education requirements for master electricians and journeyman electricians under § 17-28-311.

(c) The registration fee for an electrical apprentice shall be ten dollars ($10.00) annually. Apprentice registration certificates shall expire on the last day of the month, one (1) year following the date of original registration.

(d)(1) The board may issue a temporary license as a master electrician or journeyman electrician that is valid for no more than six (6) months and renewable one (1) time only for industry projects as defined in this chapter, upon submission by the applicant of the following:

(A) A temporary license fee in the amount established by subsection (a) of this section;

(B) A completed application on a form furnished and approved by the board; and

(C) Evidence that the applicant:

(i) Holds a current license of the same classification issued by another state; or

(ii) Meets the experience qualifications required under rules promulgated by the board for a temporary master electrician or a temporary journeyman electrician.

(2) The ~~Director of the Division of Occupational and~~

~~Professional Licensing Boards and Commissions~~ Department of Labor and Licensing may renew a temporary license as a master electrician or journeyman electrician issued by the board for more than one (1) additional period of six (6) months, if:

(A) The renewal is for work to be performed on a specific industry project as defined in this chapter;

(B) The ~~director~~ department determines that the additional renewal is necessary because:

(i) Actual construction will exceed one (1) year; and

(ii) An insufficient number of licensed electricians is available to perform the necessary work;

(C) The temporary license is restricted to the industry project for which it is issued; and

(D) A temporary license fee in the amount established in subsection (a) of this section is paid.

(3)(A) The board may issue and renew a temporary license as a master electrician or journeyman electrician for regularly scheduled or emergency maintenance work or shutdowns of not longer than six (6) weeks on industry projects as defined in this chapter.

(B) An applicant for a new or renewed temporary license under subdivision (d)(3)(A) of this section shall submit the same items as are required in subdivision (d)(1) of this section.

(e) A specialist sign electrician under § 17-28-101 shall qualify for an endorsement on his or her license authorizing the licensee to maintain and repair parking lot lights upon successfully passing a separate examination as approved by the board.

SECTION 5. Arkansas Code § 17-28-302 is repealed.

~~17-28-302. Electrical contractor license.~~

~~(a) Any person, member, or employee of a firm, partnership, or corporation desiring to engage in the business of electrical contractor may apply for and be issued a license upon satisfying the Board of Electrical Examiners of the State of Arkansas that he or she or it is either a master electrician or employs a master electrician as its superintendent or manager and shall pay a license fee in the amount of one hundred dollars ($100) per~~

~~year.~~

~~(b) Any electrical contractor having met the requirements of this chapter may work in any municipality in the state without further examinations after first showing evidence of state license as described in this chapter and paying such fees as required by the municipality in which the work is to be performed.~~

SECTION 6. Arkansas Code § 17-28-308 is amended to read as follows:

17-28-308. Electrical apprentices.

(a) Upon proper application and payment of the fee, the Board of Electrical Examiners of the State of Arkansas shall register as an electrical apprentice and issue a certificate of registration to any person who furnishes satisfactory proof that the applicant is enrolled in a school or training course for electrical apprentices certified by the United States Office of Apprenticeship.

(b) The board shall take such actions as are reasonably necessary or appropriate to supervise and enforce apprenticeship supervision ratios established by the board by rule.

(c) Notwithstanding the provisions of subsection (a) of this section, an apprentice who has successfully completed a certified school or training program and has been released for testing ~~may continue to renew his or her apprentice registration card, if otherwise qualified, without enrolling in a school or training program~~ shall test within one (1) year of release by the Office of Skills Development.

(d) Application for an initial certificate of registration and renewal of an electrical apprentice shall be the responsibility of the school or training course for electrical apprentices certified by the United States Office of Apprenticeship in which the electrical apprentice is enrolled.

(e) The school or training course for electrical apprentices certified by the United States Office of Apprenticeship in which the electrical apprentice is enrolled shall be responsible for documenting on-the-job training hours of apprentice electricians and submitting completion of hours to the board when releasing an apprentice electrician for testing.

SECTION 7. Arkansas Code § 17-28-309 is amended to read as follows:

17-28-309. Penalties.

(a) The ~~Director of the Division of Occupational and Professional Licensing Boards and Commissions~~ Secretary of the Department of Labor and Licensing or his or her designee is authorized to petition any court of competent jurisdiction to enjoin or restrain any person who performs electrical work without a license or who otherwise violates the provisions of this chapter.

(b)(1) A civil penalty may be assessed against any person, firm, or corporation by the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing ~~and subject to appeal and hearing before the Board of Electrical Examiners of the State of Arkansas~~ according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., if it is determined that a person, firm, or corporation has violated any:

(A) Provision of this chapter;

(B) Provision of the Arkansas Electrical Code Authority Act, § 20-31-101 et seq.;

(C) Rule or order issued or promulgated by the board; ~~or~~

(D) Condition of a license, certificate, or registration issued by the board~~.~~; or

(E) Licensure eligibility concerning criminal records under § 17-3-102.

(2) For each violation, the penalty shall not exceed ~~the following:~~ one thousand dollars ($1,000) per day.

~~(A) Two hundred fifty dollars ($250) for a first offense;~~

~~(B) Seven hundred fifty dollars ($750) for a second offense; or~~

~~(C) One thousand dollars ($1,000) for a third offense.~~

(3) Each day of a continuing violation is a separate violation for purposes of penalty assessment.

(4)(A) Assessment of a civil penalty by the board shall be made no later than two (2) years after the date of the occurrence of the violation.

(B) No civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

(5) If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of

the board's decision, the ~~director~~ secretary or his or her designee may file an action in a court of competent jurisdiction to collect the civil penalty without paying costs or giving bond for costs.

(6) Any penalties collected under this section shall be deposited as special revenues into the State Treasury to the credit of the Department of Labor and Licensing Special Fund, there to be used by the Department of Labor and Licensing in carrying out the functions, powers, and duties of this chapter.

SECTION 8. Arkansas Code § 17-28-310 is repealed.

~~17-28-310. Grandfather clause.~~

~~(a) Applicants for a license under this chapter shall be exempt from the examination requirement of § 17-28-203, provided that the applicant:~~

~~(1) Is qualified by experience requirements to take the examination for a particular license classification under the provisions of this chapter and the rules of the Board of Electrical Examiners of the State of Arkansas;~~

~~(2) Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause;~~

~~(3) Submits the appropriate fee; and~~

~~(4) Applies for a license before July 1, 1998.~~

~~(b) Notwithstanding any provision to the contrary, an applicant for a license under this section shall be exempt from the journeyman electrician examination requirement of § 17-28-203 if he or she has completed electrical apprenticeship training and education under a bona fide apprenticeship program registered with the United States Office of Apprenticeship and he or she meets the requirements of subdivisions (a)(2)-(4) of this section.~~

~~(c) An applicant for a specialist sign electrician license under this chapter shall be exempt from the examination requirement of § 17-28-203 if the applicant:~~

~~(1) Is qualified by experience requirements to take the examination for a particular license classification under this chapter and the rules of the board;~~

~~(2) Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause;~~

~~(3) Submits the appropriate fee; and~~

~~(4) Applies for the specialist sign electrician license before September 1, 2009.~~

SECTION 9. Arkansas Code § 17-28-311(a), concerning continuing education requirements for electrician licensees, is amended to read as follows:

(a) A journeyman electrician licensee, residential journeyman electrician licensee, ~~or~~ master electrician licensee, or residential master electrician licensee shall complete at least eight (8) hours of continuing education for ~~each~~ the current National Electrical Code cycle in the first year of each new code cycle before renewing his or her license.

SECTION 10. Arkansas Code § 17-33-101(8), concerning definitions pertaining to HVACR workers, is amended to read as follows:

(8) "HVACR gas fitting work" means gas fitting work for the purpose of supplying an HVACR system and shall be limited to installing ~~six feet (6')~~ seventy-five feet (75') or less final of gas piping connection to a heating unit from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system;

SECTION 11. Arkansas Code § 17-33-101(16)(A), concerning definitions pertaining to HVACR workers, is amended to read as follows:

(A) Does not hold a Class A, Class B, ~~Class C,~~ Class D, or Class E HVACR license;

SECTION 12. Arkansas Code § 17-33-103(b), concerning HVACR electrical work, is amended to read as follows:

(b) Any individual licensed or registered to perform HVACR work may perform electrical connections to heating and air conditioning units without obtaining any other license to perform the work, so long as the connection is made to a disconnecting means suitable in capacity for the equipment to be served and is provided by others within ~~ten feet (10')~~ seventy-five feet (75') of the unit.

SECTION 13. Arkansas Code § 17-33-105(a)(1)(A)(ii), concerning penalties, is amended to read as follows:

(ii) The penalty shall not exceed ~~two hundred fifty dollars ($250)~~ one thousand dollars ($1,000) for each violation per day, and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

SECTION 14. Arkansas Code § 17-33-202(7), concerning the powers and duties of the HVACR Licensing Board, is amended to read as follows:

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

SECTION 15. Arkansas Code § 17-33-202(9), concerning the powers and duties of the HVACR Licensing Board, is amended to read as follows:

(9) Establish by board rule a maximum of ~~four (4)~~ eight (8) hours per ~~year~~ International Mechanical Code cycle of continuing education if the board determines that a specific class of license requires continuing education;

SECTION 16. Arkansas Code § 17-33-204 is amended to read as follows:

17-33-204. Fees.

(a)(1) The HVACR Licensing Board shall adopt a fee schedule by rule ~~and regulation~~. The fee schedule may include, but is not limited to:

(A) Testing fees;

(B) License fees;

(C) Civil penalty fees;

(D) Registration fees;

(E) Inspection fees;

(F) ~~Fees for code books~~ Renewal fees;

(G) Late renewal fees; and

(H) Late penalty fees.

(2) The board may provide for a reduction in the fees of a person or partnership who holds one (1) or more licenses determined by the board to be HVACR-related and for which the board determines a reduction in fees should be allowed.

(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~~
Class D License 150.00
Class E License 150.00
Class L License ..... No Charge
Registration Fee ..... 25.00.

(c) The fees established by the board for licensure and registration shall not exceed the amounts provided for in subsection (b) of this section.

SECTION 17. 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 (1) of the following classes of license and pay the fees prescribed by the HVACR Licensing 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)~~ twenty-five (25) tons of 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;

~~(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 of 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)~~(3) Class D — Entitles the licensee to perform sheet metal work as it relates to ductwork for HVACR systems without regard to or limitation of horsepower of the system to which the duct connects. The licensee in this category is prohibited from the sale, installation, and

service of HVACR equipment and systems;

~~(5)~~(4) Class E — Entitles the licensee to perform refrigeration work as defined in § 17-33-101 without regard to or limitation of horsepower. The licensee in this category is prohibited from the sale, installation, and service of heating and air conditioning equipment used for the treatment of air for human comfort requirements; and

~~(6)~~(5) Class L — Entitles a licensee to apply for and obtain a restricted lifetime license without having to pay a license fee in any specific category of license as defined in this chapter. The applicant must be at least sixty-five (65) years of age and hold a current license in good standing with the board. The board shall promulgate rules to define the specific requirements of the lifetime license.

(b) The board shall promulgate rules necessary to carry out the provisions of this section.

(c)(1) An individual may perform HVACR work under a Class A, Class B, ~~Class C,~~ Class D, or Class E HVACR license holder by registering with the Department of Labor and Licensing.

(2) ~~The registrant shall pay an annual registration fee as required by the board.~~ Annual registration, including without limitation payment of the fee as required by the board, for the registrant shall be the responsibility of the HVACR license holder.

(3) All licensees are responsible for ensuring that all HVACR employees hold a current HVACR registration or HVACR license.

SECTION 18. Arkansas Code § 17-33-307 is amended to read as follows:

17-33-307. Grounds for suspension or revocation.

The HVACR Licensing Board, on its own motion, may make investigations and conduct hearings and, on its own motion or upon complaint in writing signed and verified by the complainant, suspend or revoke any license or registration if it finds that the holder of the license or registrant has:

(1) Made a material misstatement in the application for license or registration or renewal thereof;

(2) Demonstrated incompetency to act as a license holder or registrant according to rules and standards promulgated by the board; ~~or~~

(3) Violated any provisions of this chapter or any rule or order prescribed by the board~~.~~; or

(4) Pled guilty or nolo contendere to or been found guilty of any offense listed under § 17-3-102.

SECTION 19. Arkansas Code § 17-55-101(c)(2)(C), concerning the licensure of electrical inspectors, is amended to read as follows:

(C)(i) Proof of completion of at least ~~sixteen (16)~~ eight (8) hours of continuing education.

(ii) The board shall promulgate rules to set standards for continuing education for licensees under subdivision (c)(2)(C)(i) of this section. The rules shall include without limitation continuing education on the statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work under § 20-31-104.

(iii) The ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing may conduct or sponsor continuing education classes for electrical inspectors.

SECTION 20. Arkansas Code § 17-55-101(d)(2), concerning the licensure of electrical inspectors, is amended to read as follows:

(2)(A) A civil penalty may be assessed against an electrical inspector by the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing ~~and subject to appeal and hearing before the board according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,~~ if it is determined that the electrical inspector has violated a:

(i) Provision of this chapter;

(ii) Rule or order issued or promulgated by the board; or

(iii) Condition of a license issued by the board, including without limitation a licensee having a criminal record as prohibited under § 17-3-102.

(B) For each violation, the civil penalty shall not exceed ~~the following:~~ one thousand dollars ($1,000) per day.

~~(i) Two hundred fifty dollars ($250) for a first offense;~~

~~(ii) Seven hundred fifty dollars ($750) for a second~~

~~offense; or~~

~~(iii) One thousand dollars ($1,000) for a third offense.~~

(C) Each day of a continuing violation is a separate violation for purposes of penalty assessment.

(D)(i) Assessment of a civil penalty by the board shall be made no later than two (2) years after the date of the occurrence of the violation.

(ii) A civil penalty shall not be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

(E) If an electrical inspector against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the board's decision, the ~~Director of the Division of Occupational and Professional Licensing Boards and Commissions~~ Secretary of the Department of Labor and Licensing or his or her designee may file an action in a court of competent jurisdiction to collect the civil penalty without paying costs or giving bond for costs.

(F) Any penalties collected under this section shall be deposited as special revenues into the State Treasury to the credit of the Department of Labor and Licensing Special Fund, there to be used by the ~~Department of Labor and Licensing~~ department in carrying out the functions, powers, and duties of this chapter.

SECTION 21. Arkansas Code § 17-55-103 is repealed.

~~17-55-103. Persons employed as electrical inspectors as of August 16, 2013.~~

~~(a) A person employed as an electrical inspector as of August 16, 2013, shall be issued a temporary electrical inspector license upon submission of the following information to the Board of Electrical Examiners of the State of Arkansas:~~

~~(1) Proof of employment with the state or a political subdivision of the state as an electrical inspector in the State of Arkansas;~~

~~(2) Verification of work experience as required by rule of the board; and~~

~~(3) Payment of a license fee as required by rule of the board.~~

~~(b)(1) A temporary license issued under this section shall expire on January 1, 2014.~~

~~(2) A recipient of a temporary license shall be eligible to apply for an electrical inspector license under this chapter.~~

SECTION 22. Arkansas Code § 20-23-101(3), concerning definitions pertaining to boiler safety, is amended to read as follows:

(3) "Internal" and "external" inspection means a thorough and proper inspection as provided for in the rules by the Boiler Inspection ~~Division~~ Section;

SECTION 23. Arkansas Code § 20-23-103 is amended to read as follows:

20-23-103. Enforcement.

(a) The criminal penalties provided by this chapter shall be enforced by the prosecuting attorney of each judicial district. The administrative penalties provided by this chapter shall be imposed pursuant to rules of the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

(b) The ~~director~~ secretary or his or her designee may collect an administrative penalty imposed pursuant to this chapter in a civil action in a court of competent jurisdiction, and he or she shall not be required to pay costs or to enter a bond for payment of costs.

SECTION 24. Arkansas Code § 20-23-104 is amended to read as follows:

20-23-104. Periodic or regular attendance.

(a) All boilers subject to the provisions of this chapter shall be continuously monitored by mechanical and electronic devices approved by the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee. When a plant is in operation or when any public building is occupied, the boilers shall be under regular attendance by a boiler operator unless otherwise exempt.

(b) Boilers that are manually operated shall be under constant attendance whenever they are in use for any purpose.

(c) All steam boilers fifty horsepower (50 hp) and over, as rated by the manufacturer in any location, and steam boilers used in hospitals, hotels, schools, theatres, and office buildings, but not limited to these

places, shall be under regular attendance by a licensed operator who holds a certificate of competency issued by the Boiler Inspection ~~Division~~ Section.

SECTION 25. Arkansas Code § 20-23-105 is amended to read as follows:

20-23-105. Disposition of funds.

~~(a)~~ All money received under this chapter shall be paid to the Treasurer of State, who shall place this money to the credit of the Department of Labor and Licensing Special Fund, there to be used by the Department of Labor and Licensing in carrying out the functions, powers, and duties as set out in this chapter and to defray the costs of the maintenance, operation, and improvements required by the department in carrying out the functions, powers, and duties otherwise imposed by law on the department or the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

~~(b) The director may issue vouchers for salaries and expenses of the Boiler Inspection Division when proper appropriation has been made for the expenditures.~~

SECTION 26. Arkansas Code § 20-23-202 is amended to read as follows:

20-23-202. Chief inspector, deputy inspector, etc.

(a)(1) When the office of Chief Inspector of the Boiler Inspection ~~Division~~ Section becomes vacant, the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee shall employ a citizen of the State of Arkansas to be chief inspector.

(2) The chief inspector shall have at the time of employment not less than ~~ten (10)~~ five (5) years' experience in the construction, maintenance, installation, and repair or inspection of high pressure boilers and unfired pressure vessels.

(b)(1)(A) The ~~director~~ secretary or his or her designee is authorized and empowered to employ a technical assistant and deputy inspectors of boilers.

(B) Inspectors of steam boilers and unfired pressure vessels shall have had at the time of employment not less than ~~five (5)~~ three (3) years' experience in the construction, maintenance, installation, and repair of high pressure boilers and unfired pressure vessels or possess a currently valid commission from the National Board of Boiler and Pressure

Vessel Inspectors.

(C)(i) Inspectors of steam boilers and unfired pressure vessels also shall have passed a written examination.

(ii) The examination shall conform to standards not exceeding those prescribed by the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.

(iii) The examination shall test the inspector's knowledge of the construction, installation, maintenance, and repair of boilers and their appurtenances.

(2) The ~~director~~ secretary or his or her designee is also empowered to employ clerical and administrative employees, as well as other inspectors, as necessary to perform the work of the Boiler Inspection ~~Division~~ Section.

(3) The salaries are to be approved by the General Assembly.

(c) The salaries of the employees of the Boiler Inspection ~~Division~~ Section, together with the necessary expenses of the Boiler Inspection ~~Division~~ Section, shall be paid out of the fees for which provision is made in this chapter.

SECTION 27. The introductory language of Arkansas Code § 20-23-203(a), concerning the duties of the Chief Inspector of the Boiler Inspection Division, is amended to read as follows:

(a) The Chief Inspector of the Boiler Inspection ~~Division~~ Section, either personally or by a deputy inspector, shall carefully:

SECTION 28. Arkansas Code § 20-23-203(c), concerning the duties of the Chief Inspector of the Boiler Inspection Division, is amended to read as follows:

(c)(1) The chief inspector shall enforce the laws of the state governing the use of boilers and unfired pressure vessels. He or she shall examine into and report to ~~Director of the Division of Labor~~ the Secretary of the Department of Labor and Licensing or his or her designee the causes of boiler explosions which occur within the state.

(2) He or she shall keep in his or her office a complete and accurate record of the names of all owners or operators of boilers inspected by the Boiler Inspection ~~Division~~ Section, together with the location, make,

type, dimensions, age, condition, pressure allowed upon, and date of the last inspection of all boilers and shall make an annual report thereon to the ~~director~~ secretary or his or her designee.

SECTION 29. Arkansas Code § 20-23-301 is amended to read as follows:

20-23-301. Certificate of inspection required — Application of rules and standards — Penalties.

(a)(1) No owner or user of a boiler or pressure vessel or engineer or fireman in charge of a boiler or pressure vessel shall operate or allow the boiler or pressure vessel to be operated without a certificate of inspection issued by the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee or shall allow a greater pressure in the boiler or pressure vessel than is allowed by the certificate of inspection.

(2)(A) All boilers and pressure vessels installed or in operation in this state shall conform to those rules and standards that shall from time to time be adopted by the Boiler Inspection ~~Division~~ Section with the approval of the ~~director~~ secretary or his or her designee.

(B) The rules and standards shall not exceed those set out in the several sections of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and shall have the force of law immediately upon their approval by the ~~director~~ secretary or his or her designee.

(3) No person shall operate or cause to be operated any boiler or unfired pressure vessel on which the certificate of inspection has been suspended or the operation of which has been forbidden by an inspector as provided in §§ 20-23-203, 20-23-306, 20-23-310, 20-23-401, and 20-23-402.

(4) All pressure piping installed in this state shall conform to those rules and standards that shall from time to time be adopted by the Boiler Inspection ~~Division~~ Section with the approval of the ~~director~~ secretary or his or her designee. The rules and standards shall not exceed those set out in the American Society of Mechanical Engineers Code for Pressure Piping, Power Piping Code, B31.1.

(b) Any person violating this section shall be subject to an administrative fine of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000).

SECTION 30. Arkansas Code § 20-23-302 is amended to read as follows:

20-23-302. Report by manufacturer, owner, and user.

(a) Every manufacturer, owner, or user of a boiler or unfired pressure vessel in use or to be used in any part of the state and subject to inspection by the Boiler Inspection ~~Division~~ Section, as provided by this chapter, shall report to the ~~division~~ Boiler Inspection Section the location of the boiler or unfired pressure vessel at such times and in such manner and form as may be determined by the rules of the ~~division~~ Boiler Inspection Section.

(b) Any owner, user, or agent of the owner of any boiler or unfired pressure vessel subject to inspection by the ~~division~~ Boiler Inspection Section, as provided in this chapter, who shall fail to report its location to the ~~division~~ Boiler Inspection Section shall be subject to an administrative fine of not less than one hundred dollars ($100).

SECTION 31. Arkansas Code § 20-23-304 is amended to read as follows:

20-23-304. Failure to make ready for inspection.

Any owner, user, or agent of the owner of any boiler subject to inspection by the Boiler Inspection ~~Division~~ Section who shall fail to have a boiler ready for inspection after due notice as provided in this chapter shall pay to the ~~division~~ Boiler Inspection Section the inspection fee provided by this subchapter and shall be subject to an administrative fine of any sum not less than ten dollars ($10.00).

SECTION 32. Arkansas Code § 20-23-305 is amended to read as follows:

20-23-305. Special inspection.

(a) If at any time the owner, user, or agent of the owner of any boiler within the state shall desire a special inspection of any boiler, it shall be made by the Boiler Inspection ~~Division~~ Section after due request thereof.

(b) The inspector making the inspection shall collect a fee of one hundred dollars ($100) ~~for each boiler together with his or her expenses from Little Rock to the place of inspection and return~~.

SECTION 33. Arkansas Code § 20-23-306 is amended to read as follows:

20-23-306. Issuance.

(a)(1) Upon receipt by the Boiler Inspection ~~Division~~ Section of an annual or biennial certificate report of inspection from a state inspector or from an inspector employed by an insurance company that a boiler or pressure vessel is in safe working condition with the required fittings, valves, and appliances properly installed and set, the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee shall issue to the owner of the boiler or pressure vessel a certificate of inspection.

(2) The certificate of inspection shall be issued upon payment of a fee of fifteen dollars ($15.00) in cases of all boilers other than unfired pressure vessels and a fee of thirty dollars ($30.00) in cases of unfired pressure vessels.

(3) The certificate of inspection shall state the maximum pressure at which the boiler or pressure vessel may be operated as may be determined by the rules adopted by the Boiler Inspection ~~Division~~ Section, as provided in this chapter.

(b) Upon receipt of a certificate of inspection under subsection (a) of this section, unless the certificate of inspection is withdrawn or suspended, the owner or user may operate boilers:

(1) Other than unfired pressure vessels described in the certificate for one (1) year from the date of annual inspection plus any extension granted under § 20-23-203(a) of the time for the next annual inspection; and

(2) That are unfired pressure vessels for two (2) years from the date of biennial inspection.

(c) Any owner or operator of a boiler or pressure vessel who is dissatisfied with the result of an inspection made by an inspector employed by an insurance company may appeal to the Chief Inspector of the Boiler Inspection ~~Division~~ Section, who shall cause a special investigation to be conducted and, upon the report of the inspection, shall render his or her decision, the decision to be final.

SECTION 34. Arkansas Code § 20-23-307 is amended to read as follows:

20-23-307. New boilers and unfired pressure vessels — Permit required.

(a) Every manufacturer, contractor, jobber, owner, or user of a boiler

or unfired pressure vessel or pressure piping system shall obtain a permit from the Boiler Inspection ~~Division~~ Section before any boiler or unfired pressure vessel or pressure piping system may be installed or moved and installed in the State of Arkansas.

(b) When new boilers or unfired pressure vessels are to be installed, the manufacturer's data report for each boiler and unfired pressure vessel shall be submitted with the application for installation.

(c) No boiler or unfired pressure vessel or pressure piping may be installed without approval from the ~~division~~ Boiler Inspection Section.

SECTION 35. Arkansas Code § 20-23-308 is amended to read as follows:

20-23-308. New boilers and unfired pressure vessels — Fees.

(a) The following fees shall be paid before permits may be issued for the installation of any boiler or unfired pressure vessel:

(1) Boilers:

(A) Up to ~~25~~ 200 horsepower, incl. ~~$15.00~~ $25.00

(B) ~~Over 25 horsepower to 50 horsepower, incl. 20.00~~

~~(C) Over 50 horsepower to 100 horsepower, incl. 25.00~~

~~(D) Over 100 horsepower to 200 horsepower, incl. 30.00~~

~~(E) Over 200 horsepower to 300 horsepower, incl. 50.00~~

~~(F) Over 300 horsepower to 400 horsepower, incl. 60.00~~

~~(G) Over 400 horsepower to 500 horsepower, incl. 70.00~~

~~(H)~~ Over ~~500~~ 200 horsepower ~~$95.00~~ $45.00

(2) Unfired pressure vessels, including hot water storage containers~~:~~ $30.00

~~(A) 500 gallons capacity or less $15.00~~

~~(B) 501 gallons capacity to 1,000 gallons capacity 20.00~~

~~(C) 1,001 gallons capacity to 5,000 gallons capacity 40.00~~

~~(D) 5,001 gallons capacity and over 50.00~~

(b) The fee paid for the issuance of a permit for the installation of pressure piping shall be one hundred dollars ($100).

SECTION 36. Arkansas Code § 20-23-310 is amended to read as follows:

20-23-310. Suspension.

(a)(1) The Chief Inspector of the Boiler Inspection ~~Division~~ Section or his or her authorized ~~representatives~~ representative may at any time

suspend an inspection certificate when in ~~their~~ his or her opinion the boiler or unfired pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or unfired pressure vessel is found not to comply with the rules provided in this subchapter.

(2) Any insurance company inspector or inspection service provider who has been issued an Arkansas commission and is inspecting boilers or pressure vessels in this state shall have corresponding powers with respect to operating certificates for boilers or pressure vessels insured by the company employing him or her.

(3) The suspension of an operating certificate shall continue in effect until the boiler or pressure vessel shall have been made to conform to the rules of the Boiler Inspection ~~Division~~ Section and until the operating certificate shall have been reinstated.

(b) Any inspector of the ~~division~~ Boiler Inspection Section or any commissioned inspector of any insurance company or inspection service provider who after inspection of a boiler or unfired pressure vessel shall find it unsafe for operation shall suspend its certificate of inspection and forbid its further use until it shall have been made to conform to the standards adopted by the ~~division~~ Boiler Inspection Section and until its certificate of inspection shall have been reinstated by an authorized inspector.

SECTION 37. Arkansas Code § 20-23-311 is amended to read as follows:

20-23-311. Inspection fees generally.

(a) Within thirty (30) days from the date of inspection, there shall be paid for the annual inspection of each boiler by the Boiler Inspection ~~Division~~ Section made according to the provisions of this chapter, the sum as follows:

(1) Boilers~~:~~ $25.00; and

~~(A) Up to and including 15 horsepower, incl. $10.00~~

~~(B) Over 15 horsepower to 50 horsepower, incl. 13.00~~

~~(C) Over 50 horsepower to 100 horsepower, incl. 18.00~~

~~(D) Over 100 horsepower to 150 horsepower, incl. 20.00~~

~~(E) Over 150 horsepower to 250 horsepower, incl. 23.00~~

~~(F) Over 250 horsepower to 500 horsepower, incl. 35.00~~

~~(G) Over 500 horsepower 50.00~~

~~(2) Shop inspections: per day, four hundred forty dollars ($440); per half day, two hundred and twenty dollars ($220); plus expenses, including mileage not to exceed the rate authorized by the General Assembly to employees of state agencies who furnish their own transportation, and meals and lodging in accordance with that approved by the General Assembly as a daily allowance; and~~

~~(3)~~ Unfired pressure vessels~~:~~ $15.00

~~(A) 150 gallons or less $9.00~~

~~(B) 151 gallons to 500 gallons 10.00~~

~~(C) 501 gallons to 1,000 gallons 11.00~~

~~(D) 1,001 gallons to 2,000 gallons 12.00~~

~~(E) 2,001 gallons to 3,000 gallons 13.00~~

~~(F) 3,001 gallons to 5,000 gallons 14.00~~

~~(G) 5,001 gallons and over 18.00~~

(b) The rates in subsection (a) of this section may be reduced by the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee at the beginning of any fiscal year if the rates produce a greater amount of revenue than is required to defray the cost of operation of the Boiler Inspection ~~Division~~ Section.

(c) All inspection fees shall be paid by the owner, user, or agent of the owner, and the inspector may receive the fee and issue his or her receipt therefor.

(d) If the owner, user, or agent of the owner shall fail to pay any inspection fee under this section within thirty (30) days, a civil money penalty equal to the amount of the unpaid fee shall attach to the outstanding amount of the fee, and the ~~director~~ secretary or his or her designee shall be empowered to collect this penalty in addition to the amount of the fee.

SECTION 38. Arkansas Code § 20-23-312 is amended to read as follows:

20-23-312. Inspection fees — Collection.

(a)(1) In addition to other remedies provided for by this chapter, if after the making of any inspection or accrual of any charge or penalty required or authorized by this chapter, the fee, penalty, or charge is not paid within thirty (30) days after demand upon whoever is liable therefor, the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee may employ an attorney, who is empowered

without payment of costs or giving of bond for costs to institute suit in the name of the State of Arkansas in any court of competent jurisdiction to collect the fees, penalties, costs, and charges.

(2)(A) The court where suit is brought pursuant to subdivision (a)(1) of this section for collection of fees, penalties, and charges shall, without limitation, based on the actual amount of the judgment award an attorney's fee equal to the actual cost to the ~~Division of Labor~~ Department of Labor and Licensing or the Boiler Inspection ~~Division~~ Section for the regular hourly rate of pay of the attorney multiplied by the actual hours, including, but not limited to, travel time, litigation, and case review.

(B) Furthermore, the court shall award, without limitation, based on the actual amount of the judgment an amount equal to all costs incurred by the ~~Division of Labor~~ department or the Boiler Inspection ~~Division~~ Section, including, but not limited to, travel costs, witness fees, sheriff's service fees, or costs incurred pursuant to the collection of any judgment obtained by the ~~Division of Labor~~ department or the Boiler Inspection ~~Division~~ Section.

(b)(1) The plaintiff in the suits is given a lien upon the boiler and all parts, connections, and attachments thereto, whether attached to the land or not, to accrue the payment of the inspection fees for making the inspection.

(2) The lien shall attach to the property at the time of making the inspection and shall continue until all inspection fees are paid.

(3) The lien, when it so attaches, shall be held to be prior, paramount, and superior to the liens, claims, and demands of all persons whomsoever, whether owners, agents, mortgagees, trustees, and beneficiaries under trusts or owners whether prior in time or not.

SECTION 39. Arkansas Code § 20-23-314 is amended to read as follows:

20-23-314. Pressure piping inspections.

(a) The installation of pressure piping shall be periodically inspected during the course of the installation by an inspector commissioned pursuant to the provisions of § 20-23-401 in the manner and with the frequency prescribed by the rules of the Boiler Inspection ~~Division~~ Section.

(b)(1) Upon completion of the installation of any pressure piping, a final inspection shall be made, and the inspector shall complete a final

inspection report on a form approved by the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

(2) A copy of the final inspection report shall be filed with the Boiler Inspection ~~Division~~ Section within thirty (30) days of completion of the installation.

(c) If the report required by subsection (b) of this section is not filed within thirty (30) days after completion of the installation, the Boiler Inspection ~~Division~~ Section shall designate an inspector in its employ to make the inspection and report required by subsection (b) of this section.

(d) The inspections and reports required by subsections (a) and (b) of this section may be made by an inspector in the employ of the Boiler Inspection ~~Division~~ Section.

(e) For each inspection made by an inspector employed by the Boiler Inspection ~~Division~~ Section and required by subsection (a), subsection (b), or subsection (c) of this section, the holder of the installation permit shall pay the Boiler Inspection ~~Division~~ Section an inspection fee in the amount of four hundred forty dollars ($440) per day or two hundred twenty dollars ($220) per half-day~~, plus expenses and mileage at the rates authorized for employees of the Division of Labor who furnish their own transportation~~.

(f) The inspections required by this section and the installation permit required for pressure piping by § 20-23-307 shall apply only to new installations and shall not be construed as requiring an inspection or an installation permit for maintenance, repair, or renovation of existing facilities.

SECTION 40. Arkansas Code § 20-23-401(a), concerning certificates of competency and commissions of inspectors of the Boiler Inspection Division, is amended to read as follows:

(a) Certificates of competency and commissions as inspectors of boilers shall be issued by the Boiler Inspection ~~Division~~ Section to persons in the employ of any company authorized to insure boilers against explosions in this state or by a qualified inspection service provider.

SECTION 41. Arkansas Code § 20-23-401(f)(1), concerning commissions issued relating to boiler safety, is amended to read as follows:

(f)(1) Any commission issued under this subchapter shall be immediately returned to the ~~division~~ Boiler Inspection Section when the inspector to whom it has been issued shall cease to be employed by the insurance company or inspection service provider employing him or her at the time the commission was issued.

SECTION 42. Arkansas Code § 20-23-402 is amended to read as follows:

20-23-402. Inspectors employed by insurance companies or private inspection service providers.

(a) Boiler inspectors employed by insurance companies or private inspection service providers which are authorized to insure boilers in this state shall hold certificates of competency issued by the Boiler Inspection ~~Division~~ Section as provided in this section and shall:

(1) Inspect internally and externally at least one (1) time annually or within the time granted under § 20-23-203(a) all high pressure steam boilers insured by their respective companies;

(2) Inspect externally one (1) time annually and internally one (1) time every three (3) years every low pressure steam heating boiler insured by their respective companies; and

(3) Inspect unfired pressure vessels biennially.

(b) The insured boilers shall be exempt from all inspections other than those of the respective insurance company inspectors unless there is some evidence that proper inspection is not being made.

(c) Within thirty (30) days following each internal inspection made by its inspectors, each insurance company shall file a copy of the internal inspection report and date of the inspection with the Boiler Inspection ~~Division~~ Section on forms approved by the ~~Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

(d)(1) Each insurance company shall file a report annually of all boilers insured and inspected showing location, owner, state number, and date of last inspection.

(2) The report shall be filed not later than January 30 of each calendar year.

(e)(1) If annual reports are not filed with the Boiler Inspection ~~Division~~ Section by insurance companies who have insurance on boilers in the State of Arkansas within sixty (60) days from the date they are due

inspection, the Boiler Inspection ~~Division~~ Section shall make the required inspection.

(2) A special inspection fee of one hundred dollars ($100) for each boiler or unfired pressure vessel inspected, plus mileage and expenses from Little Rock to point of inspection and return not to exceed the current rate authorized by the General Assembly to employees of state agencies who furnish their own transportation, plus any meals and hotel bills incurred shall be charged to the insurance company insuring the boilers or unfired pressure vessels unless an extension of time is granted by the Chief Inspector of the Boiler Inspection ~~Division~~ Section.

(f) No operating certificate issued for an insured boiler inspected by an insurance company inspector shall be valid after the boiler for which it was issued shall cease to be insured by a company authorized by this state to carry the insurance.

SECTION 43. Arkansas Code § 20-23-404 is amended to read as follows:

20-23-404. Operators.

(a)(1) The Boiler Inspection ~~Division~~ Section or an authorized representative of the Boiler Inspection Section shall conduct examinations for each applicant seeking a boiler operator's license.

(2) The examination ~~may be either written or oral~~ shall be written.

(3) Each applicant shall pay a fee of twenty-five dollars ($25.00) for the examination and the first license.

(4) Each license shall be renewed annually. The annual fee shall be seventeen dollars ($17.00).

(5) Before the applicant may participate in an examination, he or she shall have had not less than six (6) months of on-the-job training. Proof of this on-the-job training shall be furnished to the ~~Division of Labor~~ Boiler Inspection Section by the employer before the examination.

~~(6) A restricted license may be issued to an applicant who has passed the examination required in this subsection but who has not met the requirements of subdivision (a)(5) of this section, provided that:~~

~~(A) The restricted license shall be effective for one (1) year from the date of issue; and~~

~~(B) The licensee is to work under the direction and~~

~~supervision of a regularly licensed boiler operator.~~

(b)(1) Any operator found operating a boiler without a certificate issued by the Boiler Inspection ~~Division~~ Section or operating a boiler knowing it to be defective shall have his or her license revoked at once.

(2) Any person found operating a boiler without an operator's license shall be subject to an administrative fine of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100).

SECTION 44. Arkansas Code § 20-23-405 is amended to read as follows:

20-23-405. Sellers, installers, and repairers, and inspection service providers.

(a)(1) All persons, firms, or corporations engaged in the sale, ~~or~~ installation, or inspection services of boilers, unfired pressure vessels, hot water storage containers, or pressure piping in any location shall be licensed by the Boiler Inspection ~~Division~~ Section to perform the work.

(2) The annual license fee shall be seventy-five dollars ($75.00) per year, payable in advance on or before January 31 of each calendar year.

(b)(1) All persons, firms, or corporations engaged in the repair of boilers or unfired pressure vessels shall be licensed by the ~~division~~ Boiler Inspection Section.

(2) The annual license fee shall be seventy-five dollars ($75.00) annually, payable in advance on or before January 31 of each calendar year.

(c) Each person, firm, or corporation shall furnish evidence suitable to the ~~division~~ Boiler Inspection Section that the person, firm, or ~~coporation~~ corporation is qualified to perform the work.

(d) The license of any person, firm, or corporation may be revoked by the ~~division~~ Boiler Inspection Section upon proof that the person, firm, or corporation is not performing the work in compliance with this chapter and the rules as provided in this chapter.

(e) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000) or by imprisonment for not more than five (5) years or by both fine and imprisonment.

(f) The provisions of §§ 20-23-104, 20-23-307 — 20-23-309, 20-23-403, 20-23-404, and this section shall not apply to firms under the regulation of the United States Surface Transportation Board.

SECTION 45. Arkansas Code § 20-23-406 is amended to read as follows:

20-23-406. Restricted lifetime license — Certificate of competency and commission.

(a)(1)(A) Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been a boiler inspector for no fewer than twelve (12) years may apply for a restricted lifetime boiler inspector's certificate of competency and commission.

(B) The certificate of competency and commission shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection Section.

(2)(A) Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been a boiler operator for no fewer than twelve (12) years may apply for a restricted lifetime boiler operator's license.

(B) The license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection Section.

(3)(A) Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been engaged in the sale or installation of boilers, unfired pressure vessels, hot water storage containers, or pressure piping for no fewer than twelve (12) years may apply for a restricted lifetime license.

(B) The license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection Section.

(4)(A) Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been engaged in the repair of boilers or unfired pressure vessels for no fewer than twelve (12) years may apply for a restricted lifetime license.

(B) The license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection Section.

(b) The ~~division~~ Boiler Inspection Section shall promulgate rules necessary to carry out the provisions of this section.

SECTION 46. Arkansas Code § 20-23-407 is amended to read as follows:

20-23-407. Owner or user inspection programs.

(a) Any owner or user of a steam boiler or pressure vessel subject to this chapter may perform any inspections required by this chapter on such vessels owned or operated by the owner or user if the owner or user meets the requirements prescribed by rule of the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

(b) The ~~director~~ secretary or his or her designee shall set out requirements for the certification of owner or user inspectors and certification of owner or user inspection programs by rule and shall have full authority to promulgate and enforce those rules.

(c)(1)(A) After notice and opportunity for hearing, any owner or user who is found to have violated rules prescribed by the ~~director~~ secretary or his or her designee pursuant to this subchapter shall be assessed a civil monetary penalty of not less than one hundred dollars ($100) or more than five thousand dollars ($5,000).

(B) Each day that a violation continues shall be considered a separate violation.

(2) The ~~director~~ secretary or his or her designee may bring a civil action in a court of competent jurisdiction to recover the amount of any civil monetary penalties.

(d) In addition to civil monetary penalties, any owner or user who is found to be in violation of this section shall be guilty of a Class A misdemeanor.

SECTION 47. Arkansas Code § 20-24-106(a), concerning the powers and duties of the Elevator Safety Board, is amended to read as follows:

(a) It shall be the duty of the Elevator Safety Board to license elevator inspectors, elevator mechanics, elevator testing contractors, and elevator contractors as provided in this chapter and to revoke or suspend any such license for cause.

SECTION 48. The introductory language of Arkansas Code § 20-24-

108(c)(2), concerning application requirements, is amended to read as follows:

(2) To be eligible for an elevator contractor license or elevator testing contractor license, the applicant or licensee shall:

SECTION 49. Arkansas Code § 20-24-109 is amended to read as follows:

20-24-109. Application and examination for licenses — Issuance and renewal.

(a)(1) A written application for the examination and license for elevator inspector, elevator mechanic, elevator testing contractor, or elevator contractor shall be made upon a form to be supplied by the Elevator Safety Board upon request and shall be accompanied by a statement of the applicant's experience together with an examination fee not to exceed one hundred fifty dollars ($150).

(2) The examination shall be given not more than six (6) months from the date when the applicant makes the application.

(3)(A) If the applicant is qualified and successfully passes the applicable examination specified in this section, then upon payment of a license fee, he or she shall be entitled to~~:~~ a one-year license as an elevator inspector, elevator mechanic, elevator testing contractor, or elevator contractor.

~~(i) A one-year license as an elevator inspector or elevator contractor; or~~

~~(ii) A two-year license as an elevator mechanic.~~

(B) The license fee and the license renewal fee shall be established by the board, but in no event shall either fee exceed one thousand dollars ($1,000).

(4)(A) There shall be no limit to the number of times an applicant may seek a license as provided in this section, except that a rejected applicant may not make application within six (6) months from the date on which he or she is notified that he or she has failed to qualify.

(B) A license fee shall be paid for the initial examination and each subsequent examination.

(b) The board may license a person as an elevator inspector, elevator mechanic, elevator testing contractor, or elevator contractor without examination if he or she holds an equivalent license for a state or city that

has a standard of examination substantially equal to that provided for in § 20-24-108.

(c) The board shall renew a license after receiving:

(1) Payment of the license renewal fee; and

(2) Submission of proof that the licensee has satisfied the continuing education requirements established by rule of the board.

(d)(1) Whenever an emergency exists and the board determines that there are not enough licensed elevator mechanics to perform the work necessary to provide for the safety of life, limb, and property and to protect the public welfare, the board may waive the requirements of this chapter and issue an emergency elevator mechanic license that may be valid for no longer than thirty (30) days.

(2) Whenever the board determines that there are not enough licensed elevator mechanics available to perform work necessary for the completion of a project for which the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing has issued a permit under § 20-24-115(d), the board may waive the requirements of this chapter and issue a temporary elevator mechanic license that may be valid for no longer than thirty (30) days.

(3) The board may renew an emergency or temporary license if the circumstances justifying its original issuance continue.

SECTION 50. Arkansas Code § 20-24-110(c), concerning prohibited activities of elevator inspectors, is amended to read as follows:

(c) No elevator inspector shall recommend or refer one (1) of his or her clients or customers to a specific business, firm, or corporation which manufactures, installs, repairs, alters, tests, or services elevators, escalators, or dumbwaiters.

SECTION 51. DO NOT CODIFY. HVACR Class C license transfer.

As of September 1, 2025, all active and current Class C license holders will be Class B license holders and may perform all HVACR work previously permitted with a Class C license and that of a Class B license.

/s/Irvin

APPROVED: 4/17/25