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**ADMINISTRATIVE RULES PERTAINING TO THE LICENSING OF  
HEATING, VENTILATION, AIR CONDITIONING AND  
REFRIGERATION CONTRACTORS**

Rules effective as of ~~October 1, 2020~~  
March 1, 2022

**Heating, Ventilation, Air Conditioning and Refrigeration  
Licensing Board  
Arkansas Department of Labor and Licensing  
900 West Capitol, Suite 400  
Little Rock, Arkansas 72201**

**RULES PERTAINING TO THE LICENSING OF  
HEATING, VENTILATION, AIR CONDITIONING  
AND  
REFRIGERATION CONTRACTORS**

**SECTION I. AUTHORITY**

The following rules are duly adopted and promulgated by the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board pursuant to the authority expressly conferred by the laws of the State of Arkansas in Arkansas Code Ann. §17-33-101 et seq.

**SECTION II. PURPOSE**

The purpose of this rule is to provide for the administration and enforcement of Arkansas Code Ann. §17-33-101 et seq.

**SECTION III. DEFINITIONS**

The following words and terms, when used in this rule, shall have the following meanings, unless the context clearly indicates otherwise. Words not defined in this rule shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

- (1) "Board" means the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board;
- (2) "BTUH" means British Thermal Unit per hour of heat;
- (3) "Deferred License" means an inactive or non-usable license;
- (4) "Designated License Holder" means the Class A, B, C, D or E licensee who is responsible for the HVACR work performed;
- (5) "Department" means the Arkansas Department of ~~Health~~ Labor and Licensing;
- (6) "Director" means the Director of the Division of Occupational and Professional Licensing Boards and Commissions or other designee of the Secretary of the Department of Labor and Licensing;
- (7) "Heating and Air Conditioning" means the process of treating air to control temperature, humidity, cleanliness, ventilation, or circulation, to meet human comfort requirements;
- (8) "Heating, Ventilation, Air Conditioning and Refrigeration" or "HVACR" means the design, installation, construction, maintenance, service, repair, alteration or modification

of a product or of equipment in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems;

- (9) "Horsepower" means the equivalent to 746 watts;
- (10) "HVACR Gas Fitting Work" means gas fitting work for the purpose of supplying an HVACR system and shall be limited to installing six (6) feet or less of final 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;
- (11) "HVACR Licensing Fund" means a fund established under this act to be used exclusively to fund all activities covered under this act;
- (12) "HVACR Maintenance Work" means repair, modification, service and all other work required for the normal continued performance of an HVACR system. This term does not include the installation or total replacement of a system, or the installation of boiler or pressure vessels that must be installed by persons licensed under Arkansas Code Title 20, Chapter 23.
- (13) "Pattern of Incompetence" means one or more of the following:
  - (a) A history of repeat offenses as described by citation reports.
  - (b) One or more impositions of civil penalties by the Board.
  - (c) Criminal activity not conducive to the trust and wellbeing of the public.
- (14) "Licensee" means the holder of a license issued pursuant to this act;
- (15) "One Ton" means 12,000 BTUH;
- (16) "Persons" means any individual, firm, partnership, co-partnership, corporation, association, cooperative or any other association or combination thereof;
- (17) "Public Entity" means any agency of the State of Arkansas or any political subdivision of the state;
- (18) "Refrigeration" means the use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space other than for human comfort;
- (19) "Registrant" means a person who does not hold a Class A, B, C, D or E HVACR license and who can only perform work for an HVACR licensee and who holds a current HVACR registration;
- (20) "Repair" means the reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance;
- (21) "Subcontractor" means a person who performs a portion of the HVACR installation;

(22) “Substantially similar” license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

(23) “Ventilation” means the process of supplying or removing air by natural or mechanical means to or from any space.

#### **SECTION IV. CLASSIFICATION OF LICENSES**

- (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 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 H.P. or less per unit; or
- (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 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 horsepower or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment.
- (4) Class D – Entitles the licensee to perform “Sheetmetal” 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) Class E – Entitles the licensee to perform “Refrigeration” work as defined in Ark. Code 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.
- (6) Class L – Entitles the license holder to a “Lifetime” license to perform HVACR service and maintenance work on air conditioning systems that develop a total of not more than 15 tons cooling capacity per unit or 1 million BTUH heating input per unit and refrigeration systems of 15 H.P. or less per unit only. A Lifetime license holder shall not install any original equipment or replace any existing HVACR equipment.

#### **SECTION V. QUALIFICATIONS AND APPLICATION FOR LICENSURE**

(A)

- (1) Applicants for Class A, B, C, D or E licensure shall be at least (18) years of age.
- (2) Applicants must make application to the department on forms prescribed by the Board.
- (3) The Board shall approve an applicant for Class A, B, C, D or E licensure with examination provided that the applicant is currently licensed as a in another state or political subdivision of that state or territory, or district of the United States with which the Board has no reciprocity, but whose HVAC/R licensing laws are substantially similar to those of the State of Arkansas and:
  - 1) Holds his or her occupational licensure in good standing;
  - 2) Has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;
  - 3) Is sufficiently competent in his or her field, and;
  - 4) Pays the required license fee.

In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

In this section, "substantially similar" license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

- (4) Applicants for licensure must pass a Board approved examination if the candidate for licensing does not hold licensing in another state or political subdivision of that state or territory, or district of the United States.
- (5) Applicants for licensure with no licensing background shall present satisfactory evidence of having at least two (2) years experience as an HVACR contractor or an employee of an HVACR contractor. The Board may substitute HVACR related educational training for experience provided that the educational training is approved by the Board. Copies of educational transcripts shall be provided prior to Board consideration.
  - a. The Board shall use the least restrictive requirements by allowing the licensing candidate to show proof of experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as an HVACR contractor.
  - b. In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.
- (6) A designated license holder is the Class A, B, C, D or E licensee who is responsible for the HVACR work performed. Employees of the designated license holder shall be a

registrant, unless otherwise exempt. The designated license holder shall be solely responsible to maintain the registration of all employees required to be registered under Ark. Code 17-33-303(d) (3) and these rules.

(7) A person who designs HVACR systems, as a service to a licensee and does not charge for that service is not required to obtain an HVACR license.

(8) Criminal background checks shall not be required.

(B) Qualifications and Application for Lifetime Licensure

(1) Applicants for a Class "L" Lifetime license must be at least sixty-five (65) years of age.

(2) Prior to application, applicants must have been eligible for a Class A, Class B, Class C, Class D or Class E license.

(C) Temporary Permits or Provisional Licensing

(1) When requested, the Board shall immediately issue temporary revocable permits or provisional licensing to all Class A, B, C, D or E applicants upon receipt of the application under the following conditions:

- a. The temporary permits or provisional licensing shall be granted for ninety (90) days in accordance with Section XIII (Reciprocity) unless the Board determines the candidate for licensing does not meet the criteria as noted in these rules in which case the temporary permit or provisional licensing shall be revoked. The Board may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the Board for the applicant;
- b. Candidates for temporary permits or provisional licensing shall be required to attend the scheduled examinations unless official excused or forfeit temporary permit or provisional licensing.
- c. The candidate holds his or her occupational licensure in good standing;
- d. The candidate has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;
- e. The candidate is sufficiently competent in his or her field, and;
- f. The candidate pays the required license fee.

(D) 1. An individual is not eligible to receive or hold a license issues by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses

detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.

2. The Board may grant a waiver as authorized by Ark. Code Ann. §17-3-102 et. seq. in certain circumstances.

3. The Board is not authorized to conduct criminal background checks, but the Board may inquire about criminal convictions at the time of license application or the renewal of a license. Any applicant or licensee who provides false information to the Board may be subject to suspension, license revocation or the denial of a license.

## **SECTION VI. TERMS OF EXPIRATION, RENEWAL AND EXAMINATION.**

- (1) All licenses called for under these rules shall expire one (1) year from the original date of issuance.
- (2) Class A, B, C, D or E license examinations shall be offered at least four (4) times per year or as often as the Board determines to be appropriate.

## **SECTION VII. LICENSE AND EXAMINATION FEES**

- (1) The license fee for the Class A contractor shall be \$200.00 per year.
- (2) The license fee for the Class B contractor shall be \$150.00 per year.
- (3) The license fee for the Class C contractor shall be \$100.00 per year.
- (4) The license fee for the Class D contractor shall be \$150.00 per year.
- (5) The license fee for the Class E contractor shall be \$150.00 per year.
- (6) The license fee for the Class L “Lifetime” license shall be “No Charge”.
- (7) The Registrant fee is \$25.00 per year.
- (8) Fees for the Class A, B, C, D or E examination shall be a minimum of \$55.00 each for written exams and \$100.00 each for computerized exams.
- (9) The Board shall waive the initial licensing fee if the applicant:
  - (a) Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
  - (b) Was approved for unemployment within the last twelve (12) months; or

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

## **SECTION VIII. DENIAL OF LICENSE**

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration except that the Board may deny a license if the applicant has:

- (1) Committed any act which, if committed by a licensee or registrant, would be grounds for suspension or revocation of the license or registration:
- (2) Previously been denied a license or registration under these rules for cause or previously had a license or registration revoked for cause; or
- (3) Knowingly made any false statement or misrepresentation on the application.

## **SECTION IX. REVOCATION OF LICENSE**

- (1) The Board may, on its own motion, make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, suspend or revoke any license called for under these rules if it has reason to believe that the holder of such license has violated any provision of these rules or order prescribed by the Board or has demonstrated a pattern of incompetence to act as an HVACR license holder or Mechanical Inspector.

## **SECTION X. PROCEDURES FOR SUSPENSION OR REVOCATION**

- (1) A copy of the complaint shall be served on the licensee complained against. The licensee's answer thereto shall be filed within twenty (20) days of the licensee's receipt of the complaint.
- (2) No order suspending or revoking a license or registration shall be made until after a public hearing set by the Board pursuant to the procedures of the Arkansas Administrative Procedures Act, Ark. Code Ann. §25-15-201. The hearing shall be held at the place designated by the Board. The individual complained against shall have the right to be represented by counsel and to introduce any evidence in his defense. The conduct of the hearing shall be in accordance with recognized rules of procedure.
- (3) The decision rendered as a result of the hearing may be appealed pursuant to the Administrative Procedures Act, §25-15-201 et seq.
- (4) Any member of the Board or a representative of the Board shall have the authority to administer oaths for the taking of testimony.
- (5) One (1) year after the date of revocation, an application may be made for a new license or registration.



## **SECTION XI. DEFERMENT AND REINSTATEMENT**

- (1) A Class A, B, C, D or E contractor holding a current HVACR license may make application to the Board for deferment of such license. Deferred license means inactive and non-usable. The Board, upon receipt of such application, may grant deferment of license. Deferments shall be renewed annually at a fee of \$40.00 for a Class A, \$30.00 for a Class B, \$20.00 for a Class C, \$30.00 for a Class D and \$30.00 for Class E.
- (2) The Board may grant a deferred license without deferment or reinstatement fees to members of the armed services or Class A, B, C, D or E license holders who became legally appointed or employed Mechanical Inspectors.
- (3) A Class A, B, C, D or E license holder, whose license expired for non-payment of renewal fees, may make application for reinstatement of license. A penalty fee of \$10.00 per month shall be added for late payment. The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse. Upon receipt of the application and experience record, the Board will determine whether to reinstate with or without examination. In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.
- (4) The Board shall reinstate a deferred license provided the applicant pays the current license fee for the type of license requested. If the applicant has been deferred for over a five (5) year period, the Board may request that the applicant complete a reinstatement form outlining work experience. If it has been determined by the Board that the applicant has not been affiliated with HVACR work since the original date of deferment, an examination may be required. Applicants for re-instatement, who have been delinquent for over five (5) years, must take the prescribed exam. In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.
- (5) A Class A, B, C, D or E contractor or Registrant whose license has been revoked, may make application for a new license one (1) year after the date of revocation. Such application shall contain a statement of intent to comply with all pertinent laws, and rules. The Board shall issue a new license after the applicant has passed the prescribed examination and paid applicable fees.

## **SECTION XII. TRANSFER OF LICENSE**

- (1) An HVACR license holder may transfer to a lower classification of HVACR license without examination. A transfer fee of \$15.00 shall be charged. Only a Class A license holder may transfer to a Class D or Class E license. Class D and Class E licenses are specialty licenses and are not transferable to each other or with any other HVACR license.
- (2) An HVACR license holder may not transfer to a higher license without first meeting the qualification requirements of the Board and passing the prescribed exam.
- (3) A \$15.00 fee shall be required and accompany each request for a revised license or to replace a lost or duplicate license or for a revised or lost identification card.

### **SECTION XIII. LICENSE BY RECIPROCITY**

(1) The Board as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding HVAC/R licensing. Application license fees shall apply for license requested and candidates for licensure under reciprocity shall not be required to pass an examination or participate in continuing education, training, or apprenticeship as a prerequisite to licensing for HVACR Class A, B, C, D or E contractor.

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

(a) The applicant shall hold an HVAC/R license in another United States jurisdiction that are substantially similar to Arkansas HVAC/R licensure requirements as established by these rules.

(i) Minimum education requirements for licensure are not required.

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

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

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

(e) The applicant shall be sufficiently competent in the mechanical HVAC/R installations.

(3) The HVAC/R Board shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(a) Examinations shall not be required;

(b) Apprenticeship, education, or training shall not be required as a prerequisite to licensure.

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

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

(i) Copy of HVAC/R license from other jurisdiction;

(ii) Completion of required forms from other jurisdiction(s) showing the

candidates licensing status including suspensions and revocations, types of examinations administered, and types mechanical code used.

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

#### **SECTION XIV. CORRECTION OF VIOLATIONS**

An applicant applying for any license, or reinstatement or renewal of license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Arkansas Code Ann. §17-33-101 et seq. Where such violations have existed, the Board may require all back license fees and penalties to be paid, all violations corrected and attendance at least one (1) code training class on the subject of the violation confirmed in writing by the inspector issuing the violation report.

#### **SECTION XV. INSPECTION FEES**

(1) The Department may charge fees for inspections authorized under Arkansas Code Ann. §17-33-101 et seq. The fees for each installation shall be \$25.00 for the first \$1,000.00 or fraction thereof, of valuation of the installation plus \$2.00 for each additional \$1,000.00 or fraction thereof. Total inspection fees shall not exceed \$1,000.00 per job. Each additional re-inspection shall be \$25.00 each.

(2) The Department may not charge an inspection fee to investigate consumer complaints or to assist the inspection authorities when making a survey or assisting them with inspections.

#### **SECTION XVI. MECHANICAL CODE BOOK FEES**

The Department may prepare and cause to be printed such codes, bulletins, or other documents as necessary for the purpose of enforcing this rule. The Department may charge a fee for codes as printed in the Arkansas Mechanical Code book rule.

#### **SECTION XVII. PENALTIES**

(a) Any person who violates any provision of Arkansas Code §17-33-101 et seq. or violates any rule, or order of the Board or any permit, license or certification may:

- (1) In accordance with the rule issued by the Board, be assessed a civil penalty by the Board. The penalty shall not exceed two hundred fifty (\$250.00) dollars for each violation and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.
- (2) The amount of any civil penalty levied by the Board 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.

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

- (1) Enjoin or restrain any violation of, or compel compliance with, the provisions of this chapter and any rules, or orders issued thereunder;
- (2) Affirmatively order that remedial measures be taken as may be necessary or appropriate to implement or effectuate the purposes and intent of this chapter; and
- (3) Recover all costs, expenses and damages to the Board and any other agency or subdivision of the state in enforcing or effectuating the provisions of this subchapter.

(c) An unlicensed person shall not be entitled to a mechanic's and materialman's lien, a laborer's lien or any other artisan's lien for work done in violation of these rules.

## **SECTION XVIII. RESPONSIBILITIES OF THE LICENSEE**

- (1) Each license shall be displayed at the contractor's place of business as listed with the HVACR Board.
- (2) Each licensed contractor shall display (in a prominent, legible manner) the license number and company name in letters not less than two inches high on both sides of all service and installation vehicles used in conjunction with air conditioning and refrigeration contracting. Additionally, the license number and company name shall be displayed at all job sites.

(EXAMPLE: HVACR LICENSE #0000001)

- (3) A license holder is required to notify the Board in writing within 30 days of any change in permanent mailing address, business affiliation, change of business location, or business telephone number. A license revision is required for any change to permanent mailing address, change of business affiliation, or the business location reflected on the license. The permanent address on file with the Board shall be considered the license holder's permanent address and all correspondence, including license expiration notice from the department, will be mailed to such address of record. A license holder wishing to revise a license shall request in writing the revision, and pay the appropriate fee required in this rule. A license holder requiring a replacement license or wallet card must send a notarized statement to the Department indicating the loss and requesting the replacement. Payment of the fees required in Section XII of this rule must be submitted with the statement of loss. The wallet card or license card for each license holder or registrant, on the jobsite, must be with the person to which it was issued for inspection by the state or local inspector in order to confirm the license status of the individual.

- (4) A license holder who holds a class A, B, C, D, or E license shall maintain liability insurance for any work performed or shall be covered by an employer policy with the minimum

coverage. The minimum coverage of the policy shall be \$250,000 for an individual licensee or \$250,000 per licensed employee for an employer provided policy. Proof of coverage shall be presented to the Board at the time of issuance or renewal of license.

## **SECTION XIX. EXEMPTIONS**

(1) These rules shall not apply to:

- (A) Household appliances;
- (B) American Gas Association (AGA) approved un-vented space heaters;
- (C) Factory assembled air-cooled, self-contained refrigeration equipment of 1.5 HP or less and which have no refrigerant lines extending beyond the cabinet enclosure;
- (D) Factory assembled air-cooled, self-contained window type air conditioning units of 36,000 BTUH or less not connected to ducts;
- (E) Window, attic, ceiling and wall fans in residences; or
- (F) Poultry operations whether engaged in hatching, primary processing or further processing of chicken, turkey or other fowl.

(2) This act shall not apply to a person who:

- (A) Performs HVACR working an existing building or structure owned and occupied by him as his home;
- (B) Performs HVACR work in an existing building or structure owned or occupied by him on his farm;
- (C) Performs work for public utilities on construction, maintenance, and development work, which is incidental to their business;
- (D) Performs work on motor vehicles;
- (E) Is an architect or registered engineer who designs HVACR systems for design criteria only;
- (F) Is an employee of a hospital and who performs HVACR work which is incidental to the hospital's operation; items related to Health Care facilities shall continue to be governed by the Rules pertaining to health care facilities licensed under Arkansas Code Ann. §20-9-213 and administered by the Arkansas Department of Health, Division of Health Care Facilities;
- (G) Installs or does maintenance work on a gas-fired floor furnace, wall furnace or unit heater, if the person is licensed pursuant to Arkansas Code Ann. §17-38-

301 et seq. and the work is performed within the limitations of the person's license;

(H) Is a pipefitter, welder, well driller, sheetmetal worker, or plumber working under a Class A, Class B, Class D, or Class E licensee and who is enrolled in or has satisfactorily completed an apprenticeship training program, approved by the state of Arkansas, in his respective trade and the work is performed within the limitations of the person's license.

- (3) The provisions of this act shall not apply to a person or public entity servicing or repairing its own HVAC/R system by its own personnel specifically trained for such service or repair.
- (4) Any person exempt under this section is required to conform to rules on the performance of HVACR work as well as obtaining local permits and inspection as may be required by local ordinance.

**SECTION XX. LICENSURE, CERTIFICATION, OR PERMITTING OF ~~ACTIVE DUTY~~ UNIFORMED SERVICE MEMBERS, ~~RETURNING~~ VETERANS, AND SPOUSES – ARK CODE 17-1-106**

- (1) As used in this subsection, “~~returning military~~ uniformed service veteran” means a former member of the United States ~~Armed Forces Uniformed Services~~ who was discharged from active duty under circumstances other than dishonorable.
- (2) As used in the subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;
- (3) The HVAC/R Board shall grant automatic licensure to an individual who ~~holds a substantially equivalent license in another U.S. jurisdiction~~ is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. for Class A, B, C, D or E licensure and is:
- (a) ~~An active duty military~~ A uniformed service member stationed in the State of Arkansas;
- (b) ~~A returning military veteran applying for licensure within one (1) year of his or discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- (c) The spouse of ~~a person under this section~~;
- (i) A person under (3)(a) or (3)(b) above;
- (ii) 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

(iii) 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.

- (4) The HVAC/R Board shall grant such automatic licensure upon receipt of all of the below:
  - (a) Payment of the initial licensure fee;
  - (b) Evidence that the individual holds a substantially equivalent license with a similar scope of practice in another state; and
  - (c) Evidence that the applicant is a qualified applicant under the provisions of this section.
- (5) The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- (6) A full exemption from any continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

## **SECTION XXI CONTINUING EDUCATION**

- (1) No HVAC/R license shall be renewed unless the licensee completes at least four (4) hours of continuing education per calendar year. Continuing education shall consist of classroom or other Board approved instruction relating specifically to the construction, installation, maintenance, and repair of HVAC/R systems. Two (2) of the four (4) hours shall be on the mechanical code as adopted by the Board. The remaining two (2) hours may be on any other Board approved instruction. The first cycle shall begin on the effective date of Section XXI and end on December 31, 2022.
- (2) Approved Continuing Education Hours:
  - (A) Continuing education hours required by these Rules shall be obtained only in programs and courses approved by the Board.
  - (B) The Board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate HVAC/R instruction.
  - (C) Course curricula shall be presented to the Board for approval at least sixty (60) days prior to the date of the course. The curricula shall be presented on a form approved by the Board. Board staff may recommend course providers and curricula to the Board for approval. The Board may approve retroactive credit for courses completed during the current calendar year but before the effective date of these

rules.

(D) Upon completion of a Board approved course, the course provider shall complete an attendance roster form approved by the Board to confirm completion. The course provider shall submit this form to the Board. The course provider's roster is the only document acceptable to confirm completion of course credit. Each course provider shall maintain this information not less than five (5) years from the course completion date.

(E) The Board shall:

- (i) maintain the attendance rosters submitted by course providers; and
- (ii) maintain a list of Board approved courses.

(3) Failure to complete continuing education hours

(A) If any licensee fails to complete the required continuing education hours before the end of calendar year, the licensee may obtain the required continuing education hours within ninety (90) days without being subject to examination requirements or civil penalties for performing unlicensed electrical work. All other civil penalties shall apply.

(B) If the licensee fails to obtain the required hours within this ninety (90) day period, the licensee shall be required to take another examination.

(4) Notwithstanding the provisions of Section XXI(3)(B) above, the required continuing education hours for the 2022 calendar year may be obtained no later than December 31, 2023, without the licensee being required to take another examination. A licensee may be subject to civil penalties for performing unlicensed HVAC/R work and may be subject to an examination requirement pursuant to Ark. Code Ann. § 17-33-302.

## **SECTION XXII. EARN AND LEARN APPRENTICESHIPS.**

(1) The Board shall grant a license to an applicant who:

- (a) Completes an apprenticeship as defined by Ark. Code Ann. § 17-6-103(1) in the HVAC/R field;
- (b) Passes an examination with a score required for licensure, if deemed to be necessary by the Board and required of all applicants;
- (c) Pays any fees deemed necessary by the Board;
- (d) Does not have a disqualifying criminal record as determined by the Board under state law; and
- (e) Completes all other requirements for licensure unrelated to training and education.

(2) Should the Board deny an application under subsection A, the Board shall provide the applicant with a written denial detailing the reason for the denial including whether the Board determined the applicant's apprenticeship program does not



correspond to the HVAC/R field or level of license for which the applicant applied.

- (3) An apprenticeship in the HVAC/R field is not required to exceed the number of hours required by the Board, except as otherwise required by federal law.

**SECTION ~~XXI.~~ XXIII SEVERABILITY**

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

**SECTION ~~XXII.~~ XXIV REPEAL**

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

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

# A Bill

SENATE BILL 78

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

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

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

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

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

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

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

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

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

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

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

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

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

1  
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas  
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses  
5 Act of 2021".  
6

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

8 (a) The General Assembly finds that:

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

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

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

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

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

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

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

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

36 (1) Providing:

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

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

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

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

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

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

19  
20 17-4-103. Definitions.

21 As used in this chapter:

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

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

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

1 (4) "Uniformed service member" means:

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

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

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

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

13  
14 17-4-104. Applicability.

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

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

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

20 (3) The spouse of:

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

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

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

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

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

33 (1) Listed in § 17-4-104; and

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



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

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

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

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

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

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

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

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

28 (1) A uniformed service member; or

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

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

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

1 uniformed service member's return from deployment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 An occupational licensing entity shall:

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

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

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

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

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

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

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

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

7  
8  
9                                   */s/Hill*

10  
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12                               **APPROVED: 2/23/21**  
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

# A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

## For An Act To Be Entitled

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

## Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF  
2021.

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

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

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

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

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

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

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

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



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

3 Chapter 4 – Workforce Expansion Act of 2021

4  
5 17-4-101. Title.

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

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

10 (a) The General Assembly finds that:

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

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

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

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

22  
23 17-4-103. Definitions.

24 As used in this chapter:

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

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

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

1 17-4-104. Fee waiver.

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

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

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

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

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

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

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

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

24 A licensing entity shall:

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

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

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

29 (2) Promulgate any necessary rules to implement this chapter.  
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,  
33 2022.  
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1875

By: Representative Bryant  
By: Senator Hester

## For An Act To Be Entitled

AN ACT TO CREATE THE EARN AND LEARN ACT; TO ALLOW  
INDIVIDUALS TO WORK AND EARN A PAYCHECK WHILE ALSO  
FULFILLING LICENSING REQUIREMENTS AND GAINING THE  
SKILLS TO FILL THE NEEDS OF AN EXPANDING WORKFORCE;  
AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE EARN AND LEARN ACT; AND TO  
ALLOW INDIVIDUALS TO WORK AND EARN A  
PAYCHECK WHILE ALSO FULFILLING LICENSING  
REQUIREMENTS AND GAINING THE SKILLS TO  
FILL THE NEEDS OF AN EXPANDING WORKFORCE.

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

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

### CHAPTER 4

### EARN AND LEARN ACT

#### 17-4-101. Title.

This chapter shall be known and may be cited as the "Earn and Learn  
Act".

#### 17-4-102. Legislative findings – Purpose.

(a) The General Assembly finds that:





1           (1) Apprenticeships prioritize on-the-job training and provide  
2 workers the opportunity to earn a paycheck while working towards industry-  
3 recognized credentials;

4           (2) Apprenticeships allow employers to build a skilled workforce  
5 according to industry standards; and

6           (3) Occupational licensing prevents the citizens of this state  
7 from taking full advantage of apprenticeships because many apprenticeship-  
8 friendly jobs require a license to legally work in this state.

9           (b) It is the purpose of this chapter to allow individuals to work and  
10 earn a paycheck while also fulfilling licensing requirements and gaining the  
11 skills to fill the needs of an expanding workforce.

12  
13       17-4-103. Definitions.

14       As used in this chapter:

15           (1) "Apprenticeship" means a program that meets the federal  
16 guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and  
17 existing programs currently implementing work requirements as approved by the  
18 United States Office of Apprenticeship as meeting the requirements of an  
19 apprenticeship;

20           (2) "License" means a license, certificate, registration,  
21 permit, or other form of authorization required by law or rule that is  
22 required for an individual to engage in a particular occupation or  
23 profession; and

24           (3) "Licensing entity" means an office, board, commission,  
25 department, council, bureau, or other agency of state government having  
26 authority to license, certify, register, permit, or otherwise authorize an  
27 individual to engage in a particular occupation or profession.

28  
29       17-4-104. Treatment of apprenticeships regarding licenses.

30       (a) A licensing entity shall grant a license to an applicant who:

31           (1) Completes an apprenticeship in the licensed occupation or  
32 profession;

33           (2) Passes an examination, if deemed to be necessary by the  
34 licensing entity;

35           (3) Pays any fees deemed necessary by the licensing entity;

36           (4) Does not have a disqualifying criminal record as determined

1 by the licensing entity under state law; and

2 (5) Completes all other requirements for licensure unrelated to  
3 training and education.

4 (b) If a licensing entity denies a license to an applicant under this  
5 chapter, the licensing entity shall:

6 (1) Provide the applicant with a denial in writing; and

7 (2) Explain the reason for the denial in the written decision,  
8 such as whether the licensing entity determined that the applicant's  
9 apprenticeship program does not correspond to the profession or occupation or  
10 level of license for which the applicant applied.

11 (c)(1) A licensing entity shall establish a passing score for  
12 examinations that does not exceed the passing score required under the  
13 standard licensing processes.

14 (2) If the licensing entity does not require an examination for  
15 the standard licensing process for a profession or occupation, an applicant  
16 who completes an apprenticeship for the profession or occupation is not  
17 required to pass an examination.

18 (d)(1) A licensing entity shall establish a licensing fee that does  
19 not exceed the licensing fee required under the standard licensing processes.

20 (2) If the licensing entity does not require a fee for the  
21 standard licensing process for a profession or occupation, an applicant who  
22 completes an apprenticeship in the profession or occupation is not required  
23 to pay a fee.

24 (e) Except as otherwise required by federal law, an apprenticeship for  
25 a profession or occupation is not required to exceed the number of hours  
26 required by the licensing entity for the profession or occupation.

27  
28 17-4-105. Construction.

29 This chapter does not apply to:

30 (1) A licensing entity that does not license individual workers  
31 for which there is an apprenticeship program established under 29 C.F.R. Part  
32 29, as existing on March 1, 2021;

33 (2) A license that requires the educational equivalent of a  
34 bachelor's degree or higher; or

35 (3) A license issued by the State Board of Barber Examiners or  
36 the Department of Health regarding cosmetology.

1  
2 SECTION 2. DO NOT CODIFY. Rules.

3 (a) All licensing entities as required under this act shall promulgate  
4 rules necessary to implement this act.

5 (b)(1) When adopting the initial rules to implement this act, the  
6 final rule shall be filed with the Secretary of State for adoption under §  
7 25-15-204(f):

8 (A) On or before January 1, 2022; or

9 (B) If approval under § 10-3-309 has not occurred by  
10 January 1, 2022, as soon as practicable after approval under § 10-3-309.

11 (2) A licensing entity shall file the proposed rule with the  
12 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,  
13 2022, so that the Legislative Council may consider the rule for approval  
14 before January 1, 2022.

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16 SECTION 3. EFFECTIVE DATE.

17 This act is effective on and after January 1, 2022.  
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20 APPROVED: 4/21/21  
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State of Arkansas

As Engrossed: H3/23/21

93rd General Assembly

# A Bill

Regular Session, 2021

HOUSE BILL 1712

By: Representative Lynch

By: Senator J. English

## For An Act To Be Entitled

AN ACT TO AUTHORIZE THE HVACR LICENSING BOARD TO  
ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR A  
SPECIFIC CLASS OF LICENSE; AND FOR OTHER PURPOSES.

## Subtitle

TO AUTHORIZE THE HVACR LICENSING BOARD TO  
ESTABLISH CONTINUING EDUCATION  
REQUIREMENTS FOR A SPECIFIC CLASS OF  
LICENSE.

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

SECTION 1. Arkansas Code § 17-33-202(9) and (10), concerning the  
powers and duties of the HVACR Licensing Board, are amended to read as  
follows:

(9) Establish by board rule a maximum of four (4) hours per year  
of continuing education if the board determines that a specific class of  
license requires continuing education;

~~(9)~~(10) Assist and advise the department in other such matters  
as requested by the department; and

~~(10)~~(11) Establish fees for the proper administration of the  
requirements of this chapter.

/s/Lynch

APPROVED: 4/28/21

