

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Goodwin

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-31-102 AND § 17-31-310
9 TO STANDARDIZE ENFORCEMENT PROCEDURES AND PENALTIES
10 BETWEEN SECTIONS OF THE STATE'S PUBLIC HEALTH CODE BY
11 ADDING CIVIL PENALTY AUTHORITY TO THE ARKANSAS PLUMBING
12 LAWS; AND FOR OTHER PURPOSES."

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Subtitle

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

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22 SECTION 1. Arkansas Code Annotated § 17-31-102 is amended to read as
23 follows:

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"17-31-102. Prohibitions and penalties.

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(a) Any person, firm, or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as, or acts temporarily or otherwise as a plumber without first having secured the required license or permit, or who otherwise violates any provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than thirty (30) days, or by both fine and imprisonment. Each day during which a violation continues shall be a separate offense.

(b) Any person who shall do any act prohibited in this chapter or fail to obey a lawful order of the department, or a judgment or decree of a court

1 in connection with this chapter, shall be punished by imprisonment in the
2 county jail for not more than three (3) months or by a fine not exceeding
3 five hundred dollars (\$500). Each day during which the violation continues
4 shall constitute a separate offense.

5 (c) Any person, firm, or corporation who shall employ an apprentice of
6 plumbing representing him to be a journeyman, or who shall charge for an
7 apprentice a journeyman's wage, shall be punished by a fine of not more than
8 one hundred dollars (\$100) or by imprisonment in the county jail for not more
9 than thirty (30) days. Each day of violation shall be a separate offense.

10 (d) Every firm, person, or corporation who violates any of the
11 provisions of this act or the rules or regulations or orders issued or
12 promulgated by the State Board of Health, or who violates any condition of a
13 license, permit, certificate or any other type of registration issued by the
14 Committee of Examiners may be assessed a civil penalty by the Committee of
15 Examiners. The penalty shall not exceed one thousand dollars (\$1,000) for
16 each violation. Each day of a continuing violation may be deemed a separate
17 violation for purposes of penalty assessments.

18 (e) All fines collected under this section shall be deposited in the
19 State Treasury and credited to the Plumbing Licensing Fund to be used to
20 defray the costs of administering this section.

21 (f) Subject to such rules and regulations as may be implemented by the
22 Chief Fiscal Officer of the State, the disbursing officer for the Department
23 of Health is authorized to transfer all unexpended funds relative to fines
24 collected under this subsection, as certified by the Chief Fiscal Officer of
25 the State, to be carried forward and made available for expenditures for the
26 same purpose for any following fiscal year.

27 (g) All rules and regulations promulgated pursuant to this subsection
28 shall be reviewed by the Joint Interim Committee on Public Health, Welfare
29 and Labor or an appropriate subcommittee thereof."
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31 SECTION 2. Arkansas Code Annotated § 17-31-310 is hereby amended to
32 read as follows:

33 "17-31-310. Procedure for suspension or revocation.

34 (a) Suspension, revocations, civil penalties and all other such
35 actions regarding licensure, registration, permit, certification,

1 apprenticeship, and all appeals to the Board of Health taken from such
2 actions shall be conducted in accordance with the Arkansas Administrative
3 Procedures Act, Ark. Code Ann. § 25-15-201, et seq.

4 (b) Any member of the Committee of Examiners or a representative
5 designated by the Committee of Examiners, or any member of the Board of
6 Health or a representative designated by the Board shall have the authority
7 to administer oaths for the taking of testimony.

8 (c) One (1) year after the date of revocation, an application may be
9 made for a new license."

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11 SECTION 3. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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