

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 7

5 By: Senator G. Jeffress
6 By: Representative Tyler
7

For An Act To Be Entitled

8
9 AN ACT TO REVISE ARKANSAS LAW CONCERNING HEATING,
10 VENTILATION, AIR CONDITIONING, AND REFRIGERATION
11 WORKERS; DECLARING AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15
16 TO REVISE ARKANSAS LAW CONCERNING
17 HEATING, VENTILATION, AIR CONDITIONING,
18 AND REFRIGERATION WORKERS AND DECLARING
19 AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 17-33-101 is amended to read as follows:
25 17-33-101. Definitions.

26 As used in this chapter:

- 27 (1) "Board" means the HVACR Licensing Board;
28 (2) "BTUH" means British Thermal Unit per hour of heat;
29 (3) "Department" means the Department of Health;
30 (4) "Director" means the Director of the Department of Health;
31 (5) "General liability insurance" means insurance designed to

32 protect a business from third party bodily injury claims or property damage
33 claims arising from occurrences involving:

- 34 (A) Premises;
35 (B) Operations;
36 (C) Products; or



1 (D) Completed operations exposures;

2 ~~(5)~~(6) "Heating and air conditioning" means the process of
3 treating air to control temperature, humidity, cleanliness, ventilation, or
4 circulation to meet human comfort requirements;

5 ~~(6)~~(7) "Heating, ventilation, air conditioning, and
6 refrigeration" or "HVACR" means the design, installation, construction,
7 maintenance, service, repair, alteration, or modification of a product or of
8 equipment in heating and air conditioning, refrigeration, ventilation, or
9 process cooling or heating systems;

10 ~~(7)~~(8) "Horsepower" means the equivalent to seven hundred forty-
11 six (746) watts;

12 ~~(8)~~(9) "HVACR gas fitting work" means gas fitting work for the
13 purpose of supplying an HVACR system and shall be limited to installing six
14 feet (6') or less final of gas piping connection to a heating unit from an
15 existing, accessible manual safety shutoff gas cock, installing flue gas
16 vents and combustion air for the HVACR system;

17 ~~(9)~~(10) "HVACR Licensing Fund" means a fund established under
18 this chapter to be used exclusively to fund all activities covered under this
19 chapter;

20 ~~(10)~~(11) "HVACR maintenance work" means repair, modification,
21 service, and all other work required for the normal continued performance of
22 an HVACR system. This term does not include the installation or total
23 replacement of a system or the installation of boiler or pressure vessels
24 that must be installed by persons licensed under § 20-23-101 et seq.;

25 ~~(11)~~(12) "Licensee" means the holder of a license issued
26 pursuant to this chapter;

27 ~~(12)~~(13) "One ton" means twelve thousand (12,000) BTUH;

28 ~~(13)~~(14) "Persons" means any individual, firm, partnership,
29 copartnership, corporation, association, cooperative, or any other
30 association or combination thereof;

31 ~~(14)~~(15) "Public entity" means any agency of the State of
32 Arkansas or any political subdivision of the state;

33 ~~(15)~~(16) "Refrigeration" means the use of mechanical or
34 absorption equipment to control temperature or humidity, or both, in order to
35 satisfy the intended use of a specific space other than for human comfort;

36 ~~(16)~~(17) "Registrant" means a person who:

1 (A) Does not hold a Class A, Class B, Class C, Class D, or
2 Class E HVACR license;

3 (B) Can only perform work for an HVACR licensee; and

4 (C) Holds a current HVACR registration;

5 ~~(17)~~(18) "Repair" means the reconstruction or replacement of any
6 part of an existing HVACR system for the purpose of its maintenance;

7 ~~(18)~~(19) "Subcontractor" means a person who performs a portion
8 of the HVACR installation; and

9 ~~(19)~~(20) "Ventilation" means the process of supplying or
10 removing air by natural or mechanical means to or from any space.

11
12 SECTION 2. Arkansas Code § 17-33-105 is amended to add an additional
13 subsection to read as follows:

14 (d) Proceedings under this section shall not be commenced by the board
15 after three (3) years from the date of the violation.

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17 SECTION 3. Arkansas Code § 17-33-202 is amended to read as follows:

18 17-33-202. Powers and duties.

19 The HVACR Licensing Board may:

20 (1) Adopt certain rules and regulations to ensure the proper
21 administration and enforcement of this chapter;

22 (2) Adopt a mechanical code and standards for the conduct of
23 HVACR work;

24 (3) Assist and advise the Department of Health on all matters
25 related to the licensing of HVACR maintenance work;

26 (4) Conduct hearings on all matters related to the licensing and
27 inspection of HVACR work;

28 (5) Establish HVACR code inspection programs;

29 (6) Conduct investigations into the qualifications of applicants
30 for licensure at the request of the department;

31 (7) Review applications for examination for a Class A, Class B,
32 Class C, Class D, Class E, and Class L license;

33 ~~(8) Establish by board regulation a minimum level of general~~
34 ~~liability insurance coverage for a license if the board determines that a~~
35 ~~specific class of license requires insurance coverage;~~

36 ~~(9)~~(8) Assist and advise the department in other such matters as

1 requested by the department; and

2 ~~(10)~~(9) Establish fees for the proper administration of the
3 requirements of this chapter.

4

5 SECTION 4. Arkansas Code § 17-33-204 is amended to read as follows:
6 17-33-204. Fees.

7 (a)(1) The HVACR Licensing Board shall adopt a fee schedule by rule
8 and regulation. The fee schedule may include, but is not limited to:

- 9 (A) Testing fees;
- 10 (B) License fees;
- 11 (C) Civil penalty fees;
- 12 (D) Registration fees;
- 13 (E) Inspection fees;
- 14 (F) Fees for code books;
- 15 (G) Late renewal fees; and
- 16 (H) Late penalty fees.

17 (2) The board may provide for a reduction in the fees of a
18 person or partnership who holds one (1) or more licenses determined by the
19 board to be HVACR-related and for which the board determines a reduction in
20 fees should be allowed.

21 (b) ~~Until a~~ The following fee schedule is established by the board,
22 the for licensure and registration fees shall be as follows:

23	Class A License	\$200.00	<u>\$275</u>
24	Class B License	150.00	<u>\$225</u>
25	Class C License	100.00	<u>\$175</u>
26	Class D License	150.00	<u>\$225</u>
27	Class E License	150.00	<u>\$225</u>
28	Class L License	No Charge	
29	Registration Fee	25.00	<u>\$50</u>

30 (c) The fees ~~established by the board~~ for licensure and registration
31 shall not exceed the amounts provided for in subsection (b) of this section.

32

33 SECTION 5. Arkansas Code Title 17, Chapter 33, Subchapter 3 is amended
34 to add an additional section to read as follows:

35 17-33-309. General liability insurance requirements.

36 (a) Except as provided in subsection (b) of this section, the

1 following licensees shall acquire and maintain general liability insurance on
2 or before January 1, 2012:

- 3 (1) Class A licensees;
- 4 (2) Class B licensees;
- 5 (3) Class C licensees;
- 6 (4) Class D licensees;
- 7 (5) Class E licensees; and
- 8 (6) Class L licensees.

9 (b) The following Class A, Class B, Class C, Class D, Class E, or
10 Class L licensees shall not be required to acquire and maintain general
11 liability insurance:

- 12 (1) Licensees who are not engaged in performing service or
13 installation of HVACR systems for the public;
- 14 (2) Licensees who are not the designated license holder for a
15 HVACR firm or business; or
- 16 (3) Licensees whose license has an inactive or deferred status.

17 (c)(1) Applicants for a Class A, Class B, Class C, Class D, Class E,
18 or Class L license that are required to obtain general liability insurance
19 shall provide proof of general liability insurance before the issuance of the
20 license.

21 (2) An applicant is not required to provide proof of general
22 liability insurance when applying for a license.

23 (d) A Class A, Class B, Class C, Class D, Class E, or Class L licensee
24 required to obtain general liability insurance shall provide proof of general
25 liability insurance when renewing his or her license.

26 (e) The HVACR Licensing Board may require Class A, Class B, Class C,
27 Class D, Class E, or Class L licensees that are required to obtain general
28 liability insurance to provide proof of general liability insurance upon
29 request.

30 (f) A Class A, Class B, Class C, Class D, Class E, or Class L
31 licensee required to obtain general liability insurance who fails to maintain
32 general liability insurance shall be subject to the penalties available under
33 this chapter.

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35 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that this bill revises the fees

1 required for HVACR licensees and that the ideal time to implement the fee
2 changes is at the beginning of the state's fiscal year. Therefore, an
3 emergency is declared to exist and this act being necessary for the
4 preservation of the public peace, health, and safety shall become effective
5 on July 1, 2011.

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