

State of Arkansas

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95th General Assembly

A Bill

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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air conditioning electrician, is repealed.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 <u>with parking lot endorsement</u>	
.....	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

1 examination upon payment of the following fees:

- 2 (1) Master electrician \$50.00
3 (2) Journeyman electrician 25.00
4 (3) Industrial maintenance electrician 25.00
5 (4) Residential master electrician 50.00
6 (5) Residential journeyman electrician 25.00
7 ~~(6) Air conditioning electrician 25.00~~
8 ~~(7)~~(6) Specialist sign electrician with parking lot endorsement
9 25.00.

10 (b)(1) Licenses shall expire on the date indicated on the licenses.

11 (2) The license may be renewed for a period of one (1), ~~two (2),~~
12 ~~or three (3) years~~ year with the fee to be as follows:

- 13 (A) Master electrician \$50.00 per year
14 (B) Journeyman electrician 25.00 per year
15 (C) Industrial maintenance electrician 25.00
16 per year
17 (D) Residential master electrician 50.00 per
18 year
19 (E) Residential journeyman electrician 25.00
20 per year
21 ~~(F) Air conditioning electrician 25.00 per~~
22 ~~year~~
23 ~~(G)~~(F) Specialist sign electrician with parking lot
24 endorsement 25.00 per year.

25 (3) A licensee may renew his or her license ~~within thirty-six~~
26 ~~(36) months~~ following the expiration date on the license by paying:

27 (A) The renewal fee under subdivision (b)(2) of this
28 section;

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

32 (C) Any outstanding monetary civil penalty.

33 (4) If a licensee shall fail to renew his or her license within
34 thirty-six (36) months after the expiration date on the license, the licensee
35 may reinstate his or her license by retaking the examination required under §
36 17-28-203 and paying:

1 (A) The fees and any applicable penalty under subdivision
2 (b)(3) of this section; and

3 (B) An additional penalty of one thousand dollars
4 (\$1,000).

5 (5)(A) The Board of Electrical Examiners of the State of
6 Arkansas may, after hearing, deny renewal or reinstatement of a license for
7 cause.

8 (B) The applicant for renewal or reinstatement of a
9 license may obtain a temporary license to expire on the date of his or her
10 hearing before the board.

11 (6) If a person simultaneously holds an electrical inspector
12 license and a license as a master electrician or a journeyman electrician,
13 the person, when renewing his or her master electrician or journeyman
14 electrician license, shall be exempt from the:

15 (A) Renewal fee under this section; and

16 (B) Continuing education requirements for master
17 electricians and journeyman electricians under § 17-28-311.

18 (c) The registration fee for an electrical apprentice shall be ten
19 dollars (\$10.00) annually. Apprentice registration certificates shall expire
20 on the last day of the month, one (1) year following the date of original
21 registration.

22 (d)(1) The board may issue a temporary license as a master electrician
23 or journeyman electrician that is valid for no more than six (6) months and
24 renewable one (1) time only for industry projects as defined in this chapter,
25 upon submission by the applicant of the following:

26 (A) A temporary license fee in the amount established by
27 subsection (a) of this section;

28 (B) A completed application on a form furnished and
29 approved by the board; and

30 (C) Evidence that the applicant:

31 (i) Holds a current license of the same
32 classification issued by another state; or

33 (ii) Meets the experience qualifications required
34 under rules promulgated by the board for a temporary master electrician or a
35 temporary journeyman electrician.

36 (2) ~~The Director of the Division of Occupational and~~

1 ~~Professional Licensing Boards and Commissions~~ Department of Labor and
2 Licensing may renew a temporary license as a master electrician or journeyman
3 electrician issued by the board for more than one (1) additional period of
4 six (6) months, if:

5 (A) The renewal is for work to be performed on a specific
6 industry project as defined in this chapter;

7 (B) The ~~director~~ department determines that the additional
8 renewal is necessary because:

9 (i) Actual construction will exceed one (1) year;
10 and

11 (ii) An insufficient number of licensed electricians
12 is available to perform the necessary work;

13 (C) The temporary license is restricted to the industry
14 project for which it is issued; and

15 (D) A temporary license fee in the amount established in
16 subsection (a) of this section is paid.

17 (3)(A) The board may issue and renew a temporary license as a
18 master electrician or journeyman electrician for regularly scheduled or
19 emergency maintenance work or shutdowns of not longer than six (6) weeks on
20 industry projects as defined in this chapter.

21 (B) An applicant for a new or renewed temporary license
22 under subdivision (d)(3)(A) of this section shall submit the same items as
23 are required in subdivision (d)(1) of this section.

24 (e) A specialist sign electrician under § 17-28-101 shall qualify for
25 an endorsement on his or her license authorizing the licensee to maintain and
26 repair parking lot lights upon successfully passing a separate examination as
27 approved by the board.

28
29 SECTION 5. Arkansas Code § 17-28-302 is repealed.

30 ~~17-28-302. Electrical contractor license.~~

31 ~~(a) Any person, member, or employee of a firm, partnership, or~~
32 ~~corporation desiring to engage in the business of electrical contractor may~~
33 ~~apply for and be issued a license upon satisfying the Board of Electrical~~
34 ~~Examiners of the State of Arkansas that he or she or it is either a master~~
35 ~~electrician or employs a master electrician as its superintendent or manager~~
36 ~~and shall pay a license fee in the amount of one hundred dollars (\$100) per~~

1 year.

2 ~~(b) Any electrical contractor having met the requirements of this~~
3 ~~chapter may work in any municipality in the state without further~~
4 ~~examinations after first showing evidence of state license as described in~~
5 ~~this chapter and paying such fees as required by the municipality in which~~
6 ~~the work is to be performed.~~

7
8 SECTION 6. Arkansas Code § 17-28-308 is amended to read as follows:
9 17-28-308. Electrical apprentices.

10 (a) Upon proper application and payment of the fee, the Board of
11 Electrical Examiners of the State of Arkansas shall register as an electrical
12 apprentice and issue a certificate of registration to any person who
13 furnishes satisfactory proof that the applicant is enrolled in a school or
14 training course for electrical apprentices certified by the United States
15 Office of Apprenticeship.

16 (b) The board shall take such actions as are reasonably necessary or
17 appropriate to supervise and enforce apprenticeship supervision ratios
18 established by the board by rule.

19 (c) Notwithstanding the provisions of subsection (a) of this section,
20 an apprentice who has successfully completed a certified school or training
21 program and has been released for testing ~~may continue to renew his or her~~
22 ~~apprentice registration card, if otherwise qualified, without enrolling in a~~
23 ~~school or training program~~ shall test within one (1) year of release by the
24 Office of Skills Development.

25 (d) Application for an initial certificate of registration and renewal
26 of an electrical apprentice shall be the responsibility of the school or
27 training course for electrical apprentices certified by the United States
28 Office of Apprenticeship in which the electrical apprentice is enrolled.

29 (e) The school or training course for electrical apprentices certified
30 by the United States Office of Apprenticeship in which the electrical
31 apprentice is enrolled shall be responsible for documenting on-the-job
32 training hours of apprentice electricians and submitting completion of hours
33 to the board when releasing an apprentice electrician for testing.

34
35 SECTION 7. Arkansas Code § 17-28-309 is amended to read as follows:
36 17-28-309. Penalties.

1 (a) ~~The Director of the Division of Occupational and Professional~~
2 ~~Licensing Boards and Commissions~~ Secretary of the Department of Labor and
3 Licensing or his or her designee is authorized to petition any court of
4 competent jurisdiction to enjoin or restrain any person who performs
5 electrical work without a license or who otherwise violates the provisions of
6 this chapter.

7 (b)(1) A civil penalty may be assessed against any person, firm, or
8 corporation by the ~~Division of Occupational and Professional Licensing Boards~~
9 ~~and Commissions~~ Department of Labor and Licensing ~~and subject to appeal and~~
10 ~~hearing before the Board of Electrical Examiners of the State of Arkansas~~
11 according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
12 if it is determined that a person, firm, or corporation has violated any:

- 13 (A) Provision of this chapter;
14 (B) Provision of the Arkansas Electrical Code Authority
15 Act, § 20-31-101 et seq.;
- 16 (C) Rule or order issued or promulgated by the board; ~~or~~
17 (D) Condition of a license, certificate, or registration
18 issued by the board; or
19 (E) Licensure eligibility concerning criminal records
20 under § 17-3-102.

21 (2) For each violation, the penalty shall not exceed ~~the~~
22 ~~following:~~ one thousand dollars (\$1,000) per day.

- 23 ~~(A) Two hundred fifty dollars (\$250) for a first offense;~~
24 ~~(B) Seven hundred fifty dollars (\$750) for a second~~
25 ~~offense; or~~

26 ~~(C) One thousand dollars (\$1,000) for a third offense.~~

27 (3) Each day of a continuing violation is a separate violation
28 for purposes of penalty assessment.

29 (4)(A) Assessment of a civil penalty by the board shall be made
30 no later than two (2) years after the date of the occurrence of the
31 violation.

32 (B) No civil penalty may be assessed until the person
33 charged with the violation has been given the opportunity for a hearing on
34 the violation.

35 (5) If any person, firm, or corporation against whom a civil
36 penalty has been imposed fails to pay the penalty within sixty (60) days of

1 the board's decision, the ~~director~~ secretary or his or her designee may file
2 an action in a court of competent jurisdiction to collect the civil penalty
3 without paying costs or giving bond for costs.

4 (6) Any penalties collected under this section shall be
5 deposited as special revenues into the State Treasury to the credit of the
6 Department of Labor and Licensing Special Fund, there to be used by the
7 Department of Labor and Licensing in carrying out the functions, powers, and
8 duties of this chapter.

9
10 SECTION 8. Arkansas Code § 17-28-310 is repealed.

11 ~~17-28-310. Grandfather clause.~~

12 ~~(a) Applicants for a license under this chapter shall be exempt from~~
13 ~~the examination requirement of § 17-28-203, provided that the applicant:~~

14 ~~(1) Is qualified by experience requirements to take the~~
15 ~~examination for a particular license classification under the provisions of~~
16 ~~this chapter and the rules of the Board of Electrical Examiners of the State~~
17 ~~of Arkansas;~~

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

20 ~~(3) Submits the appropriate fee; and~~

21 ~~(4) Applies for a license before July 1, 1998.~~

22 ~~(b) Notwithstanding any provision to the contrary, an applicant for a~~
23 ~~license under this section shall be exempt from the journeyman electrician~~
24 ~~examination requirement of § 17-28-203 if he or she has completed electrical~~
25 ~~apprenticeship training and education under a bona fide apprenticeship~~
26 ~~program registered with the United States Office of Apprenticeship and he or~~
27 ~~she meets the requirements of subdivisions (a)(2)-(4) of this section.~~

28 ~~(c) An applicant for a specialist sign electrician license under this~~
29 ~~chapter shall be exempt from the examination requirement of § 17-28-203 if~~
30 ~~the applicant:~~

31 ~~(1) Is qualified by experience requirements to take the~~
32 ~~examination for a particular license classification under this chapter and~~
33 ~~the rules of the board;~~

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

36 ~~(3) Submits the appropriate fee; and~~

1 ~~(4) Applies for the specialist sign electrician license before~~
2 ~~September 1, 2009.~~

3
4 SECTION 9. Arkansas Code § 17-28-311(a), concerning continuing
5 education requirements for electrician licensees, is amended to read as
6 follows:

7 (a) A journeyman electrician licensee, residential journeyman
8 electrician licensee, ~~or master electrician licensee, or residential master~~
9 electrician licensee shall complete at least eight (8) hours of continuing
10 education for ~~each~~ the current National Electrical Code cycle in the first
11 year of each new code cycle before renewing his or her license.

12
13 SECTION 10. Arkansas Code § 17-33-101(8), concerning definitions
14 pertaining to HVACR workers, is amended to read as follows:

15 (8) "HVACR gas fitting work" means gas fitting work for the purpose of
16 supplying an HVACR system and shall be limited to installing ~~six feet (6')~~
17 seventy-five feet (75') or less final of gas piping connection to a heating
18 unit from an existing, accessible manual safety shutoff gas cock, installing
19 flue gas vents and combustion air for the HVACR system;

20
21 SECTION 11. Arkansas Code § 17-33-101(16)(A), concerning definitions
22 pertaining to HVACR workers, is amended to read as follows:

23 (A) Does not hold a Class A, Class B, ~~Class C,~~ Class D, or
24 Class E HVACR license;

25
26 SECTION 12. Arkansas Code § 17-33-103(b), concerning HVACR electrical
27 work, is amended to read as follows:

28 (b) Any individual licensed or registered to perform HVACR work may
29 perform electrical connections to heating and air conditioning units without
30 obtaining any other license to perform the work, so long as the connection is
31 made to a disconnecting means suitable in capacity for the equipment to be
32 served and is provided by others within ~~ten feet (10')~~ seventy-five feet (75')
33 of the unit.

34
35 SECTION 13. Arkansas Code § 17-33-105(a)(1)(A)(ii), concerning
36 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

1 Class B License 150.00
2 ~~Class C License 100.00~~
3 Class D License 150.00
4 Class E License 150.00
5 Class L License No Charge
6 Registration Fee 25.00.

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

9
10 SECTION 17. Arkansas Code § 17-33-303 is amended to read as follows:
11 17-33-303. Classes of licenses.

12 (a) Except as otherwise provided in this chapter, every individual who
13 designs, installs, constructs, maintains, services, repairs, alters, or
14 modifies any HVACR system or any portion of an HVACR system in the State of
15 Arkansas shall obtain one (1) of the following classes of license and pay the
16 fees prescribed by the HVACR Licensing Board;

17 (1) Class A – Entitles the licensee to perform HVACR work
18 without limitation to BTUH or horsepower capacities;

19 (2) Class B – Entitles the licensee to perform HVACR work on
20 air conditioning systems that develop a total of not more than ~~fifteen (15)~~
21 twenty-five (25) tons of cooling capacity per unit or one million (1,000,000)
22 BTUH heating input per unit and refrigeration systems of fifteen horsepower
23 (15 h.p.) or less per unit;

24 ~~(3) Class C – Entitles the licensee who is in the business of~~
25 ~~servicing and repairing heating, ventilation, air conditioning, or~~
26 ~~refrigeration equipment for the public to service, repair, or replace~~
27 ~~components of HVACR equipment and to perform HVACR work on air conditioning~~
28 ~~systems that develop a total of not more than fifteen (15) tons of cooling~~
29 ~~capacity per unit or one million (1,000,000) BTUH heating input per unit and~~
30 ~~refrigeration systems of fifteen horsepower (15 h.p.) or less per unit. A~~
31 ~~Class C license holder shall not install any original HVACR equipment or~~
32 ~~replace any existing HVACR equipment;~~

33 ~~(4)~~(3) Class D – Entitles the licensee to perform sheet metal
34 work as it relates to ductwork for HVACR systems without regard to or
35 limitation of horsepower of the system to which the duct connects. The
36 licensee in this category is prohibited from the sale, installation, and

1 service of HVACR equipment and systems;

2 ~~(5)~~(4) Class E – Entitles the licensee to perform refrigeration
3 work as defined in § 17-33-101 without regard to or limitation of horsepower.
4 The licensee in this category is prohibited from the sale, installation, and
5 service of heating and air conditioning equipment used for the treatment of
6 air for human comfort requirements; and

7 ~~(6)~~(5) Class L – Entitles a licensee to apply for and obtain a
8 restricted lifetime license without having to pay a license fee in any
9 specific category of license as defined in this chapter. The applicant must
10 be at least sixty-five (65) years of age and hold a current license in good
11 standing with the board. The board shall promulgate rules to define the
12 specific requirements of the lifetime license.

13 (b) The board shall promulgate rules necessary to carry out the
14 provisions of this section.

15 (c)(1) An individual may perform HVACR work under a Class A, Class B,
16 ~~Class C~~, Class D, or Class E HVACR license holder by registering with the
17 Department of Labor and Licensing.

18 (2) ~~The registrant shall pay an annual registration fee as~~
19 ~~required by the board.~~ Annual registration, including without limitation
20 payment of the fee as required by the board, for the registrant shall be the
21 responsibility of the HVACR license holder.

22 (3) All licensees are responsible for ensuring that all HVACR
23 employees hold a current HVACR registration or HVACR license.

24
25 SECTION 18. Arkansas Code § 17-33-307 is amended to read as follows:

26 17-33-307. Grounds for suspension or revocation.

27 The HVACR Licensing Board, on its own motion, may make investigations
28 and conduct hearings and, on its own motion or upon complaint in writing
29 signed and verified by the complainant, suspend or revoke any license or
30 registration if it finds that the holder of the license or registrant has:

31 (1) Made a material misstatement in the application for license
32 or registration or renewal thereof;

33 (2) Demonstrated incompetency to act as a license holder or
34 registrant according to rules and standards promulgated by the board; ~~or~~

35 (3) Violated any provisions of this chapter or any rule or order
36 prescribed by the board; ~~or~~ or

1 (4) Pled guilty or nolo contendere to or been found guilty of
2 any offense listed under § 17-3-102.

3
4 SECTION 19. Arkansas Code § 17-55-101(c)(2)(C), concerning the
5 licensure of electrical inspectors, is amended to read as follows:

6 (C)(i) Proof of completion of at least ~~sixteen (16)~~ eight
7 (8) hours of continuing education.

8 (ii) The board shall promulgate rules to set
9 standards for continuing education for licensees under subdivision
10 (c)(2)(C)(i) of this section. The rules shall include without limitation
11 continuing education on the statewide standards for the construction,
12 installation, and maintenance of electrical facilities and the performance of
13 electrical work under § 20-31-104.

14 (iii) ~~The Division of Occupational and Professional~~
15 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing may
16 conduct or sponsor continuing education classes for electrical inspectors.

17
18 SECTION 20. Arkansas Code § 17-55-101(d)(2), concerning the licensure
19 of electrical inspectors, is amended to read as follows:

20 (2)(A) A civil penalty may be assessed against an electrical
21 inspector by the ~~Division of Occupational and Professional~~
22 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing ~~and~~
23 ~~subject to appeal and hearing before the board according to the Arkansas~~
24 ~~Administrative Procedure Act, § 25-15-201 et seq.,~~ if it is determined that
25 the electrical inspector has violated a:

26 (i) Provision of this chapter;

27 (ii) Rule or order issued or promulgated by
28 the board; or

29 (iii) Condition of a license issued by the board,
30 including without limitation a licensee having a criminal record as
31 prohibited under § 17-3-102.

32 (B) For each violation, the civil penalty shall not exceed
33 ~~the following:~~ one thousand dollars (\$1,000) per day.

34 ~~(i) Two hundred fifty dollars (\$250) for a first~~
35 ~~offense;~~

36 ~~(ii) Seven hundred fifty dollars (\$750) for a second~~

1 ~~offense; or~~

2 ~~(iii) One thousand dollars (\$1,000) for a third~~
3 ~~offense.~~

4 (C) Each day of a continuing violation is a separate
5 violation for purposes of penalty assessment.

6 (D)(i) Assessment of a civil penalty by the board shall be
7 made no later than two (2) years after the date of the occurrence of the
8 violation.

9 (ii) A civil penalty shall not be assessed until the
10 person charged with the violation has been given the opportunity for a
11 hearing on the violation.

12 (E) If an electrical inspector against whom a civil
13 penalty has been imposed fails to pay the penalty within sixty (60) days of
14 the board's decision, the ~~Director of the Division of Occupational and~~
15 ~~Professional Licensing Boards and Commissions~~ Secretary of the Department of
16 Labor and Licensing or his or her designee may file an action in a court of
17 competent jurisdiction to collect the civil penalty without paying costs or
18 giving bond for costs.

19 (F) Any penalties collected under this section shall be
20 deposited as special revenues into the State Treasury to the credit of the
21 Department of Labor and Licensing Special Fund, there to be used by the
22 ~~Department of Labor and Licensing~~ department in carrying out the functions,
23 powers, and duties of this chapter.

24
25 SECTION 21. Arkansas Code § 17-55-103 is repealed.

26 ~~17-55-103. Persons employed as electrical inspectors as of August 16,~~
27 ~~2013.~~

28 ~~(a) A person employed as an electrical inspector as of August 16,~~
29 ~~2013, shall be issued a temporary electrical inspector license upon~~
30 ~~submission of the following information to the Board of Electrical Examiners~~
31 ~~of the State of Arkansas:~~

32 ~~(1) Proof of employment with the state or a political~~
33 ~~subdivision of the state as an electrical inspector in the State of Arkansas;~~

34 ~~(2) Verification of work experience as required by rule of the~~
35 ~~board; and~~

36 ~~(3) Payment of a license fee as required by rule of the board.~~

1 ~~(b)(1) A temporary license issued under this section shall expire on~~
2 ~~January 1, 2014.~~

3 ~~(2) A recipient of a temporary license shall be eligible to~~
4 ~~apply for an electrical inspector license under this chapter.~~

5
6 SECTION 22. Arkansas Code § 20-23-101(3), concerning definitions
7 pertaining to boiler safety, is amended to read as follows:

8 (3) "Internal" and "external" inspection means a thorough and
9 proper inspection as provided for in the rules by the Boiler Inspection
10 ~~Division~~ Section;

11
12 SECTION 23. Arkansas Code § 20-23-103 is amended to read as follows:
13 20-23-103. Enforcement.

14 (a) The criminal penalties provided by this chapter shall be enforced
15 by the prosecuting attorney of each judicial district. The administrative
16 penalties provided by this chapter shall be imposed pursuant to rules of the
17 ~~Director of the Division of Labor~~ Secretary of the Department of Labor and
18 Licensing or his or her designee.

19 (b) The ~~director~~ secretary or his or her designee may collect an
20 administrative penalty imposed pursuant to this chapter in a civil action in
21 a court of competent jurisdiction, and he or she shall not be required to pay
22 costs or to enter a bond for payment of costs.

23
24 SECTION 24. Arkansas Code § 20-23-104 is amended to read as follows:
25 20-23-104. Periodic or regular attendance.

26 (a) All boilers subject to the provisions of this chapter shall be
27 continuously monitored by mechanical and electronic devices approved by the
28 ~~Director of the Division of Labor~~ Secretary of the Department of Labor and
29 Licensing or his or her designee. When a plant is in operation or when any
30 public building is occupied, the boilers shall be under regular attendance by
31 a boiler operator unless otherwise exempt.

32 (b) Boilers that are manually operated shall be under constant
33 attendance whenever they are in use for any purpose.

34 (c) All steam boilers fifty horsepower (50 hp) and over, as rated by
35 the manufacturer in any location, and steam boilers used in hospitals,
36 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

1 Vessel Inspectors.

2 (C)(i) Inspectors of steam boilers and unfired pressure
3 vessels also shall have passed a written examination.

4 (ii) The examination shall conform to standards not
5 exceeding those prescribed by the Boiler and Pressure Vessel Code of the
6 American Society of Mechanical Engineers.

7 (iii) The examination shall test the inspector's
8 knowledge of the construction, installation, maintenance, and repair of
9 boilers and their appurtenances.

10 (2) The ~~director~~ secretary or his or her designee is also
11 empowered to employ clerical and administrative employees, as well as other
12 inspectors, as necessary to perform the work of the Boiler Inspection
13 ~~Division~~ Section.

14 (3) The salaries are to be approved by the General Assembly.

15 (c) The salaries of the employees of the Boiler Inspection ~~Division~~
16 Section, together with the necessary expenses of the Boiler Inspection
17 ~~Division~~ Section, shall be paid out of the fees for which provision is made
18 in this chapter.

19
20 SECTION 27. The introductory language of Arkansas Code § 20-23-203(a),
21 concerning the duties of the Chief Inspector of the Boiler Inspection
22 Division, is amended to read as follows:

23 (a) The Chief Inspector of the Boiler Inspection ~~Division~~ Section,
24 either personally or by a deputy inspector, shall carefully:

25
26 SECTION 28. Arkansas Code § 20-23-203(c), concerning the duties of the
27 Chief Inspector of the Boiler Inspection Division, is amended to read as
28 follows:

29 (c)(1) The chief inspector shall enforce the laws of the state
30 governing the use of boilers and unfired pressure vessels. He or she shall
31 examine into and report to ~~Director of the Division of Labor~~ the Secretary of
32 the Department of Labor and Licensing or his or her designee the causes of
33 boiler explosions which occur within the state.

34 (2) He or she shall keep in his or her office a complete and
35 accurate record of the names of all owners or operators of boilers inspected
36 by the Boiler Inspection ~~Division~~ Section, together with the location, make,

1 type, dimensions, age, condition, pressure allowed upon, and date of the last
2 inspection of all boilers and shall make an annual report thereon to the
3 ~~director~~ secretary or his or her designee.

4
5 SECTION 29. Arkansas Code § 20-23-301 is amended to read as follows:
6 20-23-301. Certificate of inspection required – Application of rules
7 and standards – Penalties.

8 (a)(1) No owner or user of a boiler or pressure vessel or engineer or
9 fireman in charge of a boiler or pressure vessel shall operate or allow the
10 boiler or pressure vessel to be operated without a certificate of inspection
11 issued by the ~~Director of the Division of Labor~~ Secretary of the Department
12 of Labor and Licensing or his or her designee or shall allow a greater
13 pressure in the boiler or pressure vessel than is allowed by the certificate
14 of inspection.

15 (2)(A) All boilers and pressure vessels installed or in
16 operation in this state shall conform to those rules and standards that shall
17 from time to time be adopted by the Boiler Inspection ~~Division~~ Section with
18 the approval of the ~~director~~ secretary or his or her designee.

19 (B) The rules and standards shall not exceed those set out
20 in the several sections of the Boiler and Pressure Vessel Code of the
21 American Society of Mechanical Engineers and shall have the force of law
22 immediately upon their approval by the ~~director~~ secretary or his or her
23 designee.

24 (3) No person shall operate or cause to be operated any boiler
25 or unfired pressure vessel on which the certificate of inspection has been
26 suspended or the operation of which has been forbidden by an inspector as
27 provided in §§ 20-23-203, 20-23-306, 20-23-310, 20-23-401, and 20-23-402.

28 (4) All pressure piping installed in this state shall conform to
29 those rules and standards that shall from time to time be adopted by the
30 Boiler Inspection ~~Division~~ Section with the approval of the ~~director~~
31 secretary or his or her designee. The rules and standards shall not exceed
32 those set out in the American Society of Mechanical Engineers Code for
33 Pressure Piping, Power Piping Code, B31.1.

34 (b) Any person violating this section shall be subject to an
35 administrative fine of not less than twenty-five dollars (\$25.00) nor more
36 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

1 or unfired pressure vessel or pressure piping system shall obtain a permit
2 from the Boiler Inspection ~~Division~~ Section before any boiler or unfired
3 pressure vessel or pressure piping system may be installed or moved and
4 installed in the State of Arkansas.

5 (b) When new boilers or unfired pressure vessels are to be installed,
6 the manufacturer's data report for each boiler and unfired pressure vessel
7 shall be submitted with the application for installation.

8 (c) No boiler or unfired pressure vessel or pressure piping may be
9 installed without approval from the ~~division~~ Boiler Inspection Section.

10
11 SECTION 35. Arkansas Code § 20-23-308 is amended to read as follows:
12 20-23-308. New boilers and unfired pressure vessels – Fees.

13 (a) The following fees shall be paid before permits may be issued for
14 the installation of any boiler or unfired pressure vessel:

15 (1) Boilers:

16 (A) Up to ~~25~~ 200 horsepower, incl. ~~\$15.00~~ \$25.00

17 (B) ~~Over 25 horsepower to 50 horsepower, incl. 20.00~~

18 ~~(C) Over 50 horsepower to 100 horsepower, incl. 25.00~~

19 ~~(D) Over 100 horsepower to 200 horsepower, incl. 30.00~~

20 ~~(E) Over 200 horsepower to 300 horsepower, incl. 50.00~~

21 ~~(F) Over 300 horsepower to 400 horsepower, incl. 60.00~~

22 ~~(G) Over 400 horsepower to 500 horsepower, incl. 70.00~~

23 ~~(H) Over 500~~ 200 horsepower ~~\$95.00~~ \$45.00

24 (2) Unfired pressure vessels, including hot water storage
25 containers+ \$30.00

26 ~~(A) 500 gallons capacity or less \$15.00~~

27 ~~(B) 501 gallons capacity to 1,000 gallons capacity 20.00~~

28 ~~(C) 1,001 gallons capacity to 5,000 gallons capacity 40.00~~

29 ~~(D) 5,001 gallons capacity and over 50.00~~

30 (b) The fee paid for the issuance of a permit for the installation of
31 pressure piping shall be one hundred dollars (\$100).

32
33 SECTION 36. Arkansas Code § 20-23-310 is amended to read as follows:
34 20-23-310. Suspension.

35 (a)(1) The Chief Inspector of the Boiler Inspection ~~Division~~ Section
36 or his or her authorized ~~representatives~~ representative may at any time

1 suspend an inspection certificate when in ~~their~~ his or her opinion the boiler
2 or unfired pressure vessel for which it was issued cannot be operated without
3 menace to the public safety or when the boiler or unfired pressure vessel is
4 found not to comply with the rules provided in this subchapter.

5 (2) Any insurance company inspector or inspection service
6 provider who has been issued an Arkansas commission and is inspecting boilers
7 or pressure vessels in this state shall have corresponding powers with
8 respect to operating certificates for boilers or pressure vessels insured by
9 the company employing him or her.

10 (3) The suspension of an operating certificate shall continue in
11 effect until the boiler or pressure vessel shall have been made to conform to
12 the rules of the Boiler Inspection ~~Division~~ Section and until the operating
13 certificate shall have been reinstated.

14 (b) Any inspector of the ~~division~~ Boiler Inspection Section or any
15 commissioned inspector of any insurance company or inspection service
16 provider who after inspection of a boiler or unfired pressure vessel shall
17 find it unsafe for operation shall suspend its certificate of inspection and
18 forbid its further use until it shall have been made to conform to the
19 standards adopted by the ~~division~~ Boiler Inspection Section and until its
20 certificate of inspection shall have been reinstated by an authorized
21 inspector.

22
23 SECTION 37. Arkansas Code § 20-23-311 is amended to read as follows:
24 20-23-311. Inspection fees generally.

25 (a) Within thirty (30) days from the date of inspection, there shall
26 be paid for the annual inspection of each boiler by the Boiler Inspection
27 ~~Division~~ Section made according to the provisions of this chapter, the sum as
28 follows:

29 (1) Boilers+ \$25.00; and

30 ~~(A) Up to and including 15 horsepower, incl. \$10.00~~

31 ~~(B) Over 15 horsepower to 50 horsepower, incl. 13.00~~

32 ~~(C) Over 50 horsepower to 100 horsepower, incl. 18.00~~

33 ~~(D) Over 100 horsepower to 150 horsepower, incl. 20.00~~

34 ~~(E) Over 150 horsepower to 250 horsepower, incl. 23.00~~

35 ~~(F) Over 250 horsepower to 500 horsepower, incl. 35.00~~

36 ~~(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

1 without payment of costs or giving of bond for costs to institute suit in the
2 name of the State of Arkansas in any court of competent jurisdiction to
3 collect the fees, penalties, costs, and charges.

4 (2)(A) The court where suit is brought pursuant to subdivision
5 (a)(1) of this section for collection of fees, penalties, and charges shall,
6 without limitation, based on the actual amount of the judgment award an
7 attorney's fee equal to the actual cost to the ~~Division of Labor Department~~
8 of Labor and Licensing or the Boiler Inspection ~~Division~~ Section for the
9 regular hourly rate of pay of the attorney multiplied by the actual hours,
10 including, but not limited to, travel time, litigation, and case review.

11 (B) Furthermore, the court shall award, without
12 limitation, based on the actual amount of the judgment an amount equal to all
13 costs incurred by the ~~Division of Labor department~~ or the Boiler Inspection
14 ~~Division~~ Section, including, but not limited to, travel costs, witness fees,
15 sheriff's service fees, or costs incurred pursuant to the collection of any
16 judgment obtained by the ~~Division of Labor department~~ or the Boiler
17 Inspection ~~Division~~ Section.

18 (b)(1) The plaintiff in the suits is given a lien upon the boiler and
19 all parts, connections, and attachments thereto, whether attached to the land
20 or not, to accrue the payment of the inspection fees for making the
21 inspection.

22 (2) The lien shall attach to the property at the time of making
23 the inspection and shall continue until all inspection fees are paid.

24 (3) The lien, when it so attaches, shall be held to be prior,
25 paramount, and superior to the liens, claims, and demands of all persons
26 whomsoever, whether owners, agents, mortgagees, trustees, and beneficiaries
27 under trusts or owners whether prior in time or not.

28
29 SECTION 39. Arkansas Code § 20-23-314 is amended to read as follows:
30 20-23-314. Pressure piping inspections.

31 (a) The installation of pressure piping shall be periodically
32 inspected during the course of the installation by an inspector commissioned
33 pursuant to the provisions of § 20-23-401 in the manner and with the
34 frequency prescribed by the rules of the Boiler Inspection ~~Division~~ Section.

35 (b)(1) Upon completion of the installation of any pressure piping, a
36 final inspection shall be made, and the inspector shall complete a final

1 inspection report on a form approved by the ~~Director of the Division of Labor~~
2 Secretary of the Department of Labor and Licensing or his or her designee.

3 (2) A copy of the final inspection report shall be filed with
4 the Boiler Inspection ~~Division~~ Section within thirty (30) days of completion
5 of the installation.

6 (c) If the report required by subsection (b) of this section is not
7 filed within thirty (30) days after completion of the installation, the
8 Boiler Inspection ~~Division~~ Section shall designate an inspector in its employ
9 to make the inspection and report required by subsection (b) of this section.

10 (d) The inspections and reports required by subsections (a) and (b) of
11 this section may be made by an inspector in the employ of the Boiler
12 Inspection ~~Division~~ Section.

13 (e) For each inspection made by an inspector employed by the Boiler
14 Inspection ~~Division~~ Section and required by subsection (a), subsection (b),
15 or subsection (c) of this section, the holder of the installation permit
16 shall pay the Boiler Inspection ~~Division~~ Section an inspection fee in the
17 amount of four hundred forty dollars (\$440) per day or two hundred twenty
18 dollars (\$220) per half-day, ~~plus expenses and mileage at the rates~~
19 ~~authorized for employees of the Division of Labor who furnish their own~~
20 ~~transportation.~~

21 (f) The inspections required by this section and the installation
22 permit required for pressure piping by § 20-23-307 shall apply only to new
23 installations and shall not be construed as requiring an inspection or an
24 installation permit for maintenance, repair, or renovation of existing
25 facilities.

26
27 SECTION 40. Arkansas Code § 20-23-401(a), concerning certificates of
28 competency and commissions of inspectors of the Boiler Inspection Division,
29 is amended to read as follows:

30 (a) Certificates of competency and commissions as inspectors of
31 boilers shall be issued by the Boiler Inspection ~~Division~~ Section to persons
32 in the employ of any company authorized to insure boilers against explosions
33 in this state or by a qualified inspection service provider.

34
35 SECTION 41. Arkansas Code § 20-23-401(f)(1), concerning commissions
36 issued relating to boiler safety, is amended to read as follows:

1 (f)(1) Any commission issued under this subchapter shall be
2 immediately returned to the ~~division~~ Boiler Inspection Section when the
3 inspector to whom it has been issued shall cease to be employed by the
4 insurance company or inspection service provider employing him or her at the
5 time the commission was issued.

6
7 SECTION 42. Arkansas Code § 20-23-402 is amended to read as follows:

8 20-23-402. Inspectors employed by insurance companies or private
9 inspection service providers.

10 (a) Boiler inspectors employed by insurance companies or private
11 inspection service providers which are authorized to insure boilers in this
12 state shall hold certificates of competency issued by the Boiler Inspection
13 ~~Division~~ Section as provided in this section and shall:

14 (1) Inspect internally and externally at least one (1) time
15 annually or within the time granted under § 20-23-203(a) all high pressure
16 steam boilers insured by their respective companies;

17 (2) Inspect externally one (1) time annually and internally one
18 (1) time every three (3) years every low pressure steam heating boiler
19 insured by their respective companies; and

20 (3) Inspect unfired pressure vessels biennially.

21 (b) The insured boilers shall be exempt from all inspections other
22 than those of the respective insurance company inspectors unless there is
23 some evidence that proper inspection is not being made.

24 (c) Within thirty (30) days following each internal inspection made by
25 its inspectors, each insurance company shall file a copy of the internal
26 inspection report and date of the inspection with the Boiler Inspection
27 ~~Division~~ Section on forms approved by the ~~Division of Labor~~ Secretary of the
28 Department of Labor and Licensing or his or her designee.

29 (d)(1) Each insurance company shall file a report annually of all
30 boilers insured and inspected showing location, owner, state number, and date
31 of last inspection.

32 (2) The report shall be filed not later than January 30 of each
33 calendar year.

34 (e)(1) If annual reports are not filed with the Boiler Inspection
35 ~~Division~~ Section by insurance companies who have insurance on boilers in the
36 State of Arkansas within sixty (60) days from the date they are due

1 inspection, the Boiler Inspection ~~Division~~ Section shall make the required
2 inspection.

3 (2) A special inspection fee of one hundred dollars (\$100) for
4 each boiler or unfired pressure vessel inspected, plus mileage and expenses
5 from Little Rock to point of inspection and return not to exceed the current
6 rate authorized by the General Assembly to employees of state agencies who
7 furnish their own transportation, plus any meals and hotel bills incurred
8 shall be charged to the insurance company insuring the boilers or unfired
9 pressure vessels unless an extension of time is granted by the Chief
10 Inspector of the Boiler Inspection ~~Division~~ Section.

11 (f) No operating certificate issued for an insured boiler inspected by
12 an insurance company inspector shall be valid after the boiler for which it
13 was issued shall cease to be insured by a company authorized by this state to
14 carry the insurance.

15
16 SECTION 43. Arkansas Code § 20-23-404 is amended to read as follows:
17 20-23-404. Operators.

18 (a)(1) The Boiler Inspection ~~Division~~ Section or an authorized
19 representative of the Boiler Inspection Section shall conduct examinations
20 for each applicant seeking a boiler operator's license.

21 (2) The examination ~~may be either written or oral~~ shall be
22 written.

23 (3) Each applicant shall pay a fee of twenty-five dollars
24 (\$25.00) for the examination and the first license.

25 (4) Each license shall be renewed annually. The annual fee shall
26 be seventeen dollars (\$17.00).

27 (5) Before the applicant may participate in an examination, he
28 or she shall have had not less than six (6) months of on-the-job training.
29 Proof of this on-the-job training shall be furnished to the ~~Division of Labor~~
30 Boiler Inspection Section by the employer before the examination.

31 ~~(6) A restricted license may be issued to an applicant who has~~
32 ~~passed the examination required in this subsection but who has not met the~~
33 ~~requirements of subdivision (a)(5) of this section, provided that:~~

34 ~~(A) The restricted license shall be effective for one (1)~~
35 ~~year from the date of issue; and~~

36 ~~(B) The licensee is to work under the direction and~~

1 ~~supervision of a regularly licensed boiler operator.~~

2 (b)(1) Any operator found operating a boiler without a certificate
3 issued by the Boiler Inspection ~~Division~~ Section or operating a boiler
4 knowing it to be defective shall have his or her license revoked at once.

5 (2) Any person found operating a boiler without an operator's
6 license shall be subject to an administrative fine of not less than twenty-
7 five dollars (\$25.00) and not more than one hundred dollars (\$100).

8
9 SECTION 44. Arkansas Code § 20-23-405 is amended to read as follows:

10 20-23-405. Sellers, installers, and repairers, and inspection service
11 providers.

12 (a)(1) All persons, firms, or corporations engaged in the sale, ~~or~~
13 installation, or inspection services of boilers, unfired pressure vessels,
14 hot water storage containers, or pressure piping in any location shall be
15 licensed by the Boiler Inspection ~~Division~~ Section to perform the work.

16 (2) The annual license fee shall be seventy-five dollars
17 (\$75.00) per year, payable in advance on or before January 31 of each
18 calendar year.

19 (b)(1) All persons, firms, or corporations engaged in the repair of
20 boilers or unfired pressure vessels shall be licensed by the ~~division~~ Boiler
21 Inspection Section.

22 (2) The annual license fee shall be seventy-five dollars
23 (\$75.00) annually, payable in advance on or before January 31 of each
24 calendar year.

25 (c) Each person, firm, or corporation shall furnish evidence suitable
26 to the ~~division~~ Boiler Inspection Section that the person, firm, or
27 ~~corporation~~ corporation is qualified to perform the work.

28 (d) The license of any person, firm, or corporation may be revoked by
29 the ~~division~~ Boiler Inspection Section upon proof that the person, firm, or
30 corporation is not performing the work in compliance with this chapter and
31 the rules as provided in this chapter.

32 (e) Any person violating the provisions of this section shall be
33 guilty of a misdemeanor and upon conviction shall be punished by a fine of
34 not less than fifty dollars (\$50.00) nor more than one thousand dollars
35 (\$1,000) or by imprisonment for not more than five (5) years or by both fine
36 and imprisonment.

1 (f) The provisions of §§ 20-23-104, 20-23-307 – 20-23-309, 20-23-
2 403, 20-23-404, and this section shall not apply to firms under the
3 regulation of the United States Surface Transportation Board.
4

5 SECTION 45. Arkansas Code § 20-23-406 is amended to read as follows:
6 20-23-406. Restricted lifetime license – Certificate of competency and
7 commission.

8 (a)(1)(A) Upon reaching sixty-five (65) years of age or any time
9 thereafter, any person who has been a boiler inspector for no fewer than
10 twelve (12) years may apply for a restricted lifetime boiler inspector's
11 certificate of competency and commission.

12 (B) The certificate of competency and commission shall be
13 issued upon satisfactory proof of age and upon payment of a fee prescribed by
14 the ~~division~~ Boiler Inspection Section.

15 (2)(A) Upon reaching sixty-five (65) years of age or any time
16 thereafter, any person who has been a boiler operator for no fewer than
17 twelve (12) years may apply for a restricted lifetime boiler operator's
18 license.

19 (B) The license shall be issued upon satisfactory proof of
20 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
21 Section.

22 (3)(A) Upon reaching sixty-five (65) years of age or any time
23 thereafter, any person who has been engaged in the sale or installation of
24 boilers, unfired pressure vessels, hot water storage containers, or pressure
25 piping for no fewer than twelve (12) years may apply for a restricted
26 lifetime license.

27 (B) The license shall be issued upon satisfactory proof of
28 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
29 Section.

30 (4)(A) Upon reaching sixty-five (65) years of age or any time
31 thereafter, any person who has been engaged in the repair of boilers or
32 unfired pressure vessels for no fewer than twelve (12) years may apply for a
33 restricted lifetime license.

34 (B) The license shall be issued upon satisfactory proof of
35 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
36 Section.

1 (b) The ~~division~~ Boiler Inspection Section shall promulgate rules
2 necessary to carry out the provisions of this section.

3
4 SECTION 46. Arkansas Code § 20-23-407 is amended to read as follows:
5 20-23-407. Owner or user inspection programs.

6 (a) Any owner or user of a steam boiler or pressure vessel subject to
7 this chapter may perform any inspections required by this chapter on such
8 vessels owned or operated by the owner or user if the owner or user meets the
9 requirements prescribed by rule of the ~~Director of the Division of Labor~~
10 Secretary of the Department of Labor and Licensing or his or her designee.

11 (b) The ~~director~~ secretary or his or her designee shall set out
12 requirements for the certification of owner or user inspectors and
13 certification of owner or user inspection programs by rule and shall have
14 full authority to promulgate and enforce those rules.

15 (c)(1)(A) After notice and opportunity for hearing, any owner or user
16 who is found to have violated rules prescribed by the ~~director~~ secretary or
17 his or her designee pursuant to this subchapter shall be assessed a civil
18 monetary penalty of not less than one hundred dollars (\$100) or more than
19 five thousand dollars (\$5,000).

20 (B) Each day that a violation continues shall be
21 considered a separate violation.

22 (2) The ~~director~~ secretary or his or her designee may bring a
23 civil action in a court of competent jurisdiction to recover the amount of
24 any civil monetary penalties.

25 (d) In addition to civil monetary penalties, any owner or user who is
26 found to be in violation of this section shall be guilty of a Class A
27 misdemeanor.

28
29 SECTION 47. Arkansas Code § 20-24-106(a), concerning the powers and
30 duties of the Elevator Safety Board, is amended to read as follows:

31 (a) It shall be the duty of the Elevator Safety Board to license
32 elevator inspectors, elevator mechanics, elevator testing contractors, and
33 elevator contractors as provided in this chapter and to revoke or suspend any
34 such license for cause.

35
36 SECTION 48. The introductory language of Arkansas Code § 20-24-

1 108(c)(2), concerning application requirements, is amended to read as
2 follows:

3 (2) To be eligible for an elevator contractor license or
4 elevator testing contractor license, the applicant or licensee shall:

5
6 SECTION 49. Arkansas Code § 20-24-109 is amended to read as follows:

7 20-24-109. Application and examination for licenses – Issuance and
8 renewal.

9 (a)(1) A written application for the examination and license for
10 elevator inspector, elevator mechanic, elevator testing contractor, or
11 elevator contractor shall be made upon a form to be supplied by the Elevator
12 Safety Board upon request and shall be accompanied by a statement of the
13 applicant's experience together with an examination fee not to exceed one
14 hundred fifty dollars (\$150).

15 (2) The examination shall be given not more than six (6) months
16 from the date when the applicant makes the application.

17 (3)(A) If the applicant is qualified and successfully passes the
18 applicable examination specified in this section, then upon payment of a
19 license fee, he or she shall be entitled to+ a one-year license as an
20 elevator inspector, elevator mechanic, elevator testing contractor, or
21 elevator contractor.

22 ~~(i) A one-year license as an elevator inspector or~~
23 ~~elevator contractor; or~~

24 ~~(ii) A two-year license as an elevator mechanic.~~

25 (B) The license fee and the license renewal fee shall be
26 established by the board, but in no event shall either fee exceed one
27 thousand dollars (\$1,000).

28 (4)(A) There shall be no limit to the number of times an
29 applicant may seek a license as provided in this section, except that a
30 rejected applicant may not make application within six (6) months from the
31 date on which he or she is notified that he or she has failed to qualify.

32 (B) A license fee shall be paid for the initial
33 examination and each subsequent examination.

34 (b) The board may license a person as an elevator inspector, elevator
35 mechanic, elevator testing contractor, or elevator contractor without
36 examination if he or she holds an equivalent license for a state or city that

1 has a standard of examination substantially equal to that provided for in §
2 20-24-108.

3 (c) The board shall renew a license after receiving:

4 (1) Payment of the license renewal fee; and

5 (2) Submission of proof that the licensee has satisfied the
6 continuing education requirements established by rule of the board.

7 (d)(1) Whenever an emergency exists and the board determines that
8 there are not enough licensed elevator mechanics to perform the work
9 necessary to provide for the safety of life, limb, and property and to
10 protect the public welfare, the board may waive the requirements of this
11 chapter and issue an emergency elevator mechanic license that may be valid
12 for no longer than thirty (30) days.

13 (2) Whenever the board determines that there are not enough
14 licensed elevator mechanics available to perform work necessary for the
15 completion of a project for which the ~~Division of Occupational and~~
16 ~~Professional Licensing Boards and Commissions~~ Department of Labor and
17 Licensing has issued a permit under § 20-24-115(d), the board may waive the
18 requirements of this chapter and issue a temporary elevator mechanic license
19 that may be valid for no longer than thirty (30) days.

20 (3) The board may renew an emergency or temporary license if the
21 circumstances justifying its original issuance continue.

22
23 SECTION 50. Arkansas Code § 20-24-110(c), concerning prohibited
24 activities of elevator inspectors, is amended to read as follows:

25 (c) No elevator inspector shall recommend or refer one (1) of his or
26 her clients or customers to a specific business, firm, or corporation which
27 manufactures, installs, repairs, alters, tests, or services elevators,
28 escalators, or dumbwaiters.

29
30 SECTION 51. DO NOT CODIFY. HVACR Class C license transfer.

31 As of September 1, 2025, all active and current Class C license holders
32 will be Class B license holders and may perform all HVACR work previously
33 permitted with a Class C license and that of a Class B license.

34
35 /s/Irvin
36