

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1115

By: Representative Boyd
By: Senator Files

For An Act To Be Entitled

AN ACT TO AUTHORIZE LOCAL JURISDICTIONS TO REVIEW
PLUMBING PLANS AND SPECIFICATIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE LOCAL JURISDICTIONS TO
REVIEW PLUMBING PLANS AND SPECIFICATIONS.

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

SECTION 1. Arkansas Code § 17-38-204 is amended to read as follows:

17-38-204. Local regulatory authority – Exceptions.

(a) ~~Any~~ A city, town, or county having a system of either water, sewerage, or gas utility, or a combination of utilities, by ordinance, rules, regulations, or customer contract shall prescribe rules and regulations governing ~~the regulations of~~ plumbing not in conflict and equal to or exceeding the minimum standards prescribed by the Department of Health.

(b) ~~No~~ A plumbing installation shall not be:

(1) installed ~~installed~~ in any building within this state except in accordance with or exceeding the minimum requirements of the department; or

(2) Started without the prescribed licenses, permits, and acceptable plan review of plumbing plans and specifications when required.

~~(c) No plumbing installation shall be started without the prescribed licenses, permits, and acceptable review of plans and specifications when required.~~



~~(d)~~(c) ~~Any~~ A city, town, sewerage district, water district, sewer association, water association, utility gas system, or county having a system of either water, sewerage, or gas utility, or a combination of utilities, shall ~~set up~~ establish a system of permits and inspections to assure that the public health and safety is protected.

~~(e)~~(d) Reasonable fees for inspections may be charged.

~~(f)~~(e) ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit ~~any a~~ a city, town, or county from having full authority to provide full supervision of the inspection of plumbing and plumbers by enactment of ordinances or regulations by the legal local government body.

~~(g)~~(f)(1) However, when a system of either water, sewerage, or gas has been or will be established ~~which~~ and has not provided for a local board or inspector to supervise plumbing or gas, the department may take immediate charge and entire control of the plumbing inspection program.

(2) The State Board of Health shall prescribe full ~~regulations~~ rules including permits, permit fees, and inspections.

~~(h)~~(g) When the plumbing control program of ~~any a~~ a county, city, town, water district, water association, sewerage district, sewer association, or water, sewer, or gas utility fails to provide a program at least equal to the minimum requirements of the department, the department shall take measures to ~~assure that~~ meet the minimum state requirements ~~are met~~ to protect the public health and safety of the county, city, town, water district, water association, sewerage district, or water, sewer, or gas utility.

(h)(1) If a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county enacts an ordinance or regulation to provide for plan reviews of plumbing plans, the entity may have an employee who is certified as a plumbing and natural gas inspector perform plan reviews of plumbing plans.

(2)(A) All plumbing plans approved under subdivision (h)(1) of this section shall not be required to be submitted with a payment of a fee to the department if a fee is submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(B) The department shall not require the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county to relinquish or surrender a fee submitted to

the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(C) The maximum allowable fee for a plan review under subdivision (h)(1) of this section shall not exceed the fees set out in § 20-7-123(b)(2).

(3)(A) An employee who performs a plan review under subdivision (h)(1) of this section is assumed to have the responsibility to ensure that the plumbing plans meet state requirements.

(B) The department may audit or inspect the records of an employee who performs a plan review in subdivision (h)(1) of this section.

(4) This section does not:

(A) Create a cause of action against a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county for any resulting damages or failures of the plumbing plan; or

(B) Prohibit a person from seeking a plan review from and paying a fee to the department in lieu of seeking a plan review from and paying a fee to a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

APPROVED: 02/13/2017