

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 524

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT TO AMEND THE POWERS OF THE HVACR LICENSING BOARD; TO AMEND PROVISIONS CONCERNING THE LICENSING OF HVACR WORKERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE POWERS OF THE HVACR LICENSING BOARD; AND TO AMEND PROVISIONS CONCERNING THE LICENSING OF HVACR WORKERS.

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

SECTION 1. Arkansas Code § 17-33-105 is amended to read as follows:
17-33-105. Penalties – No enforcement of liens.

(a)(1)(A)~~(i)~~ Any person who violates any provision of this chapter or violates any rule, ~~regulation~~, or order of the HVACR Licensing Board or any permit, license, or certification may be assessed a civil penalty by the board in accordance with the ~~regulations~~ rules issued by the board.

~~(i)~~(B) The penalty shall not exceed ~~two hundred fifty dollars (\$250)~~ one thousand dollars (\$1,000) for each violation, and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments by the board.

~~(B)(2) However, no civil penalty may be assessed until the~~
A person charged with the a violation and assessed a civil penalty under subdivision (a)(1) of this section may request has been given the opportunity for a hearing before the board on the violation and the board shall provide the person the opportunity to be heard.



~~(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, regulations, 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.~~

(b) If a person who is assessed a penalty for a third time under subsection (a) of this section fails to pay the penalty amounts to the board within six (6) months from the date the third penalty is assessed, the person shall be deemed guilty of a Class B misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than ninety (90) days, or by both fine and imprisonment.

(c)(1) If an unlicensed person who is required to be licensed performs HVACR work in violation of this subchapter, that person shall not be entitled to a mechanic's and materialman's lien, a laborer's lien, a repairmen's lien, or any other artisan's lien for work done in violation of this subchapter.

(2) An unlicensed person in subdivision (c)(1) of this section shall not be entitled to receive any payment for work he or she undertook while unlicensed and any payment received by the unlicensed person shall be remitted to the board.

(d) All fines collected under this section shall be deposited into the State Treasury and credited to the HVACR Licensing Fund to be used to defray the costs of administering this chapter.

SECTION 2. Arkansas Code § 17-33-202 is amended to read as follows:
17-33-202. Powers and duties.

The HVACR Licensing Board may:

- (1) Adopt ~~certain rules and regulations~~ to ensure the proper administration and enforcement of this chapter;
- (2) Adopt a mechanical code and standards for the conduct of HVACR work;
- (3) Assist and advise the Department of Health on all matters related to the licensing of HVACR maintenance work;
- (4) Conduct hearings on all matters related to the licensing and inspection of HVACR work;
- (5) Establish HVACR code inspection programs;
- (6) Conduct investigations into the qualifications of applicants for licensure at the request of the department;
- (7) Review applications for examination for a Class A, Class B, Class C, Class D, Class E, and Class L license;
- (8) Establish by board ~~regulation~~ rule a minimum level of general liability insurance coverage for a license if the board determines that a specific class of license requires insurance coverage;
- (9) Assist and advise the department in other such matters as requested by the department; ~~and~~
- (10) Establish fees for the proper administration of the requirements of this chapter; and
- (11) Assess and collect penalties from a person who violates any provision of this chapter or violates any rule, or order of the board or any permit, license, or certification.