

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 493

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO CREATE THE CODE ENFORCEMENT LICENSING BOARD AND CODE ENFORCEMENT LICENSING BOARD FUND; TO TRANSFER THE DUTIES OF THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS, THE HVACR LICENSING BOARD, THE ARKANSAS FIRE PROTECTION LICENSING BOARD, THE ELEVATOR SAFETY BOARD, THE BOILER INSPECTION DIVISION OF THE DEPARTMENT OF LABOR AND LICENSING, AND ALL PLUMBING-RELATED FUNCTIONS AND DUTIES OTHER THAN PLAN REVIEW UNDER THE STATE BOARD OF HEALTH UNDER § 17-38-201 AND § 17-38-204 TO THE CODE ENFORCEMENT LICENSING BOARD; TO ABOLISH THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS, THE HVACR LICENSING BOARD, THE ARKANSAS FIRE PROTECTION LICENSING BOARD, THE ELEVATOR SAFETY BOARD, AND THE COMMITTEE OF PLUMBING EXAMINERS; TO AID IN THE ADMINISTRATION OF THE STATE'S ELECTRICAL, FIRE PROTECTION, HVACR, PLUMBING, BOILER AND ELEVATOR LAWS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER AND CONSOLIDATE THE DUTIES OF TRADE-RELATED BOARDS TO THE CODE ENFORCEMENT LICENSING BOARD; AND TO DECLARE AN EMERGENCY.

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



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SECTION 1. DO NOT CODIFY. Abolition of the Board of Electrical Examiners of the State of Arkansas.

(a) The Board of Electrical Examiners of the State of Arkansas is abolished, and its authority, duties, function, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Code Enforcement Licensing Board.

(b) The Board of Electrical Examiners of the State of Arkansas's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Code Enforcement Licensing Board.

(c)(1) The abolishment of the Board of Electrical Examiners of the State of Arkansas does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Board of Electrical Examiners of the State of Arkansas before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the Board of Electrical Examiners of the State of Arkansas shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 2. DO NOT CODIFY. Abolition of the HVACR Licensing Board.

(a) The HVACR Licensing Board is abolished, and its authority, duties, function, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Code Enforcement Licensing Board.

(b) The HVACR Licensing Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Code Enforcement Licensing Board.

(c)(1) The abolishment of the HVACR Licensing Board does not affect the orders, rules, directives, registration, licensing, or standards made or

promulgated by the HVACR Licensing Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the HVACR Licensing Board shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 3. DO NOT CODIFY. Abolition of the Arkansas Fire Protection Licensing Board.

(a) The Arkansas Fire Protection Licensing Board is abolished, and its authority, duties, function, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Code Enforcement Licensing Board.

(b) The Arkansas Fire Protection Licensing Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Code Enforcement Licensing Board.

(c)(1) The abolishment of the Arkansas Fire Protection Licensing Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas Fire Protection Licensing Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the Arkansas Fire Protection Licensing Board shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 4. DO NOT CODIFY. Abolition of the Elevator Safety Board.

(a) The Elevator Safety Board is abolished, and its authority, duties, function, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing are transferred to the Code Enforcement Licensing Board.

(b) The Elevator Safety Board's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Code Enforcement

Licensing Board.

(c)(1) The abolishment of the Elevator Safety Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Elevator Safety Board before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the Elevator Safety Board shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 5. DO NOT CODIFY. Transfer of Plumbing Licensing and Administration.

(a)(1) Except as provided under subdivision (a)(2) of this section, the duties, functions, including the functions of budgeting and purchasing, records, contracts, personnel, property, vehicles, and unexpended balances of appropriations, allocations, and other funds, to implement, enforce, and administer Arkansas Code Title 17, Chapter 38 and any related plumbing laws, rules, directives, policies, and procedures, are transferred from the Department of Health and the State Board of Health to the Code Enforcement Licensing Board.

(2) The provisions of subdivision (a)(1) of this section shall not apply to plan review under § 17-38-201 and § 17-38-204.

(b)(1) The transfer of powers, duties, and functions, statutory or otherwise, from the Department of Health and the State Board of Health to the Code Enforcement Licensing Board under this act does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Department of Health or the State Board of Health under Arkansas Code Title 17, Chapter 38, before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, and standards of the Department of Health and the State Board of Health promulgated under Arkansas Code Title 17, Chapter 38 shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 6. DO NOT CODIFY. Transfer of Boiler Safety Licensing and Administration.

(a) The duties, functions, including the functions of budgeting and purchasing, records, contracts, personnel, property, and unexpended balances

of appropriations, allocations, and other funds, to implement, enforce, and administer Arkansas Code Title 20, Chapter 23, and any related boiler safety laws, rules, directives, policies, and procedures, are transferred from the Boiler Inspection Division, the Division of Labor, and the Department of Labor and Licensing to the Code Enforcement Licensing Board.

(b)(1) The transfer of powers, duties, and functions, statutory or otherwise, from the Boiler Inspection Division, Division of Labor, and Department of Labor and Licensing to the Code Enforcement Licensing Board under this act does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Boiler Inspection Division, Division of Labor, and Department of Labor and Licensing under Arkansas Code Title 20, Chapter 23, before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Department of Health and the State Board of Health promulgated under Arkansas Code Title 20, Chapter 23 shall continue to be in effect until they are amended or repealed under authority given by law.

SECTION 7. 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 8. Arkansas Code § 17-28-101(12)(C)(i)(a), concerning definitions pertaining to electricians, is amended to read as follows:

(C)(i)(a) Maintaining and repairing parking lot lights, upon successfully passing a separate examination approved by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board.

SECTION 9. 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 10. Arkansas Code § 17-28-103 is amended to read as follows:

17-28-103. Disposition of funds.

All funds received by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board under the provisions of this chapter shall be deposited as special revenues into the State Treasury to the credit of the Code Enforcement Licensing Board Fund. ~~Department of Labor and Licensing Special Fund, there to be used by the Division of Labor 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 division in carrying out the functions, powers, and duties otherwise imposed by law on the division or the Director of the Division of Labor.~~

SECTION 11. Arkansas Code § 17-28-201 is repealed.

~~17-28-201. Creation — Members.~~

~~(a) There is created a Board of Electrical Examiners of the State of Arkansas.~~

~~(b) The board shall consist of the Secretary of the Department of Labor and Licensing or his or her authorized representative and eight (8) other members who shall be residents of this state appointed by the Governor with the advice and consent of the Senate:~~

~~(1) One (1) member shall be the chief electrical inspector of a municipality within the state;~~

~~(2) One (1) member shall be a licensed professional engineer as defined in § 17-30-101 engaged primarily in the design or maintenance of electrical installations;~~

~~(3) One (1) member shall be an electrical contractor operating in this state;~~

~~(4) One (1) member shall be a master or supervising electrician;~~

~~(5) One (1) member shall be a representative of a public electric utility operating in this state;~~

~~(6) One (1) member shall be a representative of a private electric utility operating in this state;~~

~~(7) One (1) member shall represent the public and shall not be affiliated with any of the other groups represented on the board; and~~

~~(8) One (1) member shall represent the elderly, shall be sixty (60) years of age or older, and not actively engaged as or retired as an electrician. This member shall be appointed from the state at large, subject to confirmation by the Senate, and shall be a full voting member but shall not participate in the grading of examinations.~~

~~(c) The same person may not be both the public representative and the representative of the elderly.~~

~~(d) Each appointment shall be for a term of four (4) years or until a successor is appointed.~~

~~(e) In the event of a vacancy during a term, the Governor may appoint a replacement to fulfill the unexpired portion of the term.~~

~~(f) The board shall elect one (1) of its members to act as its chair for a term of one (1) year, and he or she shall have a vote on all matters before the board.~~

~~(g) For cause and after a hearing, any appointed member may be removed from office by the Governor.~~

~~(h) Each appointed member may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 12. Arkansas Code § 17-28-202 is amended to read as follows:

17-28-202. Duties of ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board and Department of Labor and Licensing.

(a) It shall be the duty of the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board to:

(1) Adopt rules necessary for the implementation of this chapter and § 17-55-101 et seq.;

(2) At least every six (6) months, conduct examinations of persons who apply for an electrician's license and grant licenses to qualifying applicants who have paid the prescribed fee;

(3) Grant licenses to qualifying applicants for an electrical inspector's license under § 17-55-101 et seq.; and

(4) Revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

(b)(1) It shall be the duty of the Department of Labor and Licensing to administer and enforce the provisions of this chapter.

(2) For the enforcement of this chapter, the Secretary of the Department of Labor and Licensing or his or her designated employees shall have the authority to enter, during normal business hours, upon any private or public premises with right of access, ingress, and egress for the purpose of ascertaining whether a person has performed electrical work or installed or repaired electrical facilities in accordance with this chapter, the Arkansas Electrical Code Authority Act, § 20-31-101 et seq., and the rules and standards adopted pursuant thereto.

SECTION 13. 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~~ Code Enforcement Licensing Board 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 with parking lot endorsement 100.00

SECTION 14. Arkansas Code § 17-28-204 is amended to read as follows:
17-28-204. Hearing – Appeal.

All hearings conducted by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board and all appeals taken from the decisions of the board shall comply with the Arkansas Administrative

Procedure Act, § 25-15-201 et seq.

SECTION 15. 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 examination upon payment of the following fees:

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

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

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

- (A) Master electrician \$50.00 per year
- (B) Journeyman electrician 25.00 per year
- (C) Industrial maintenance electrician 25.00 per year
- (D) Residential master electrician 50.00 per year
- (E) Residential journeyman electrician 25.00 per year
- ~~(F) Air conditioning electrician 25.00 per year~~
- ~~(G)~~(F) Specialist sign electrician with parking lot endorsement 25.00 per year.

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

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

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

(C) Any outstanding monetary civil penalty.

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

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

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

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

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

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

(A) Renewal fee under this section; and

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

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

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

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

(B) A completed application on a form furnished and

approved by the board; and

(C) Evidence that the applicant:

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

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

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

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

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

(i) Actual construction will exceed one (1) year;

and

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

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

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

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

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

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

SECTION 16. Arkansas Code § 17-28-302 is repealed.

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

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

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

SECTION 17. Arkansas Code § 17-28-303 is amended to read as follows:

17-28-303. License nontransferable.

No license certificates issued by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board shall be assignable or transferable.

SECTION 18. Arkansas Code § 17-28-305(b)(1), concerning the local regulatory authority for electrical work, is amended to read as follows:

(b)(1) A city or town may by ordinance, rules, regulations, or contract prescribe rules, regulations, and standards for the materials used in the construction, installation, and inspection of all electrical work in the city or county, provided the rules, regulations, or standards are not in conflict with the standards prescribed by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board under § 17-28-202, § 17-55-101 et seq., and § 20-31-104.

SECTION 19. Arkansas Code § 17-28-306 is amended to read as follows:

17-28-306. Reciprocity.

The ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board shall be authorized to issue licenses to those applicants holding equivalent licenses in other states, upon payment of the

required fees and submission of proof of license in that state, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

SECTION 20. Arkansas Code § 17-28-307(a)(1), concerning restricted lifetime licenses for master and journeyman electricians, is amended to read as follows:

(a)(1) Upon reaching the age of sixty-five (65), or any time thereafter, any person who has been a licensed master electrician or a licensed journeyman electrician licensed by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board for not less than twelve (12) years may apply for a restricted lifetime master electrician license or a restricted lifetime journeyman electrician license.

SECTION 21. Arkansas Code § 17-28-308 is amended to read as follows:
17-28-308. Electrical apprentices.

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

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

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

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

(e) The school or training course for electrical apprentices certified

by the United States Office of Apprenticeship in which the electrical apprentice is enrolled shall be responsible for documenting on-the-job training hours of apprentice electricians and submitting completion of hours to the board.

SECTION 22. Arkansas Code § 17-28-309 is amended to read as follows:
17-28-309. Penalties.

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

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

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

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

- ~~(A) Two hundred fifty dollars (\$250) for a first offense;~~
- ~~(B) Seven hundred fifty dollars (\$750) for a second offense; or~~
- ~~(C) One thousand dollars (\$1,000) for a third offense.~~

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

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

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

(5) If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the board's decision, the ~~director~~ secretary or his or her designee may file an action in a court of competent jurisdiction to collect the civil penalty without paying costs or giving bond for costs.

(6) Any penalties collected under this section shall be deposited as special revenues into the State Treasury to the credit of the Code Enforcement Licensing Board Fund. ~~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 of this chapter.~~

SECTION 23. Arkansas Code § 17-28-310 is repealed.

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

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

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

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

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

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

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

~~(c) An applicant for a specialist sign electrician license under this~~

~~chapter shall be exempt from the examination requirement of § 17-28-203 if the applicant:~~

- ~~(1) Is qualified by experience requirements to take the examination for a particular license classification under this chapter and the rules of the board;~~
- ~~(2) Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause;~~
- ~~(3) Submits the appropriate fee; and~~
- ~~(4) Applies for the specialist sign electrician license before September 1, 2009.~~

SECTION 24. Arkansas Code § 17-28-311 is amended to read as follows:
17-28-311. Continuing education requirement.

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

(b) If a licensee fails to obtain the required continuing education hours within a National Electrical Code cycle under subsection (a) of this section, the licensee may not renew his or her license until the licensee:

(1) Obtains the required continuing education hours and submits proof of completion of the continuing education hours to the Department of Labor and Licensing as required by the rules of the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board; and

(2) Pays all fees and penalties required under § 17-28-301.

(c) The board shall promulgate rules to set standards for continuing education for licensees under this section.

SECTION 25. Arkansas Code § 17-28-312(b)(3)(B), concerning rules for the supervision of apprentice electricians, is amended to read as follows:

(B) The ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board shall promulgate rules which determine the regular and reasonable intervals under subdivision (b)(3)(A) of this section in consideration of the:

- (i) Nature of the work; and

(ii) Skill and experience of the apprentice electrician.

SECTION 26. Arkansas Code § 17-33-101(8), concerning definitions pertaining to HVACR workers, is amended to read as follows:

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

SECTION 27. Arkansas Code § 17-33-101(16)(A), concerning definitions pertaining to HVACR workers, is amended to read as follows:

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

SECTION 28. Arkansas Code § 17-33-103(b), concerning HVACR electrical work, is amended to read as follows:

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

SECTION 29. Arkansas Code § 17-33-105(a)(1)(A)(i), concerning penalties, is amended to read as follows:

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

SECTION 30. Arkansas Code § 17-33-201(a), concerning the members of the HVACR Licensing Board, is amended to read as follows:

(a) There is ~~hereby~~ created the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board to be composed of ~~nine (9)~~ eleven (11) members appointed by

the Governor and confirmed by the Senate. The board shall be composed of the following members who shall be residents of the State of Arkansas:

~~(1) The secretary of the board shall be a representative of the Department of Labor and Licensing;~~

~~(2) Two (2) members of the board shall be Class A license holders whose business is located in the State of Arkansas;~~

~~(3) Two (2) members of the board shall be Class B license holders whose business is located in the State of Arkansas;~~

~~(4) One (1) member of the board shall be a mechanical engineer registered in the State of Arkansas who is directly associated with HVACR design;~~

~~(5) One (1) member of the board shall be a representative of a city or county HVACR inspection program;~~

~~(6) One (1) member of the board shall be a consumer with no personal or financial interest in the HVACR industry; and~~

~~(7) One (1) member of the board shall be a member of the Mechanical Contractors Association of Arkansas, Inc., who holds a current state contractor's license.~~

(1) One (1) member shall be an electrical contractor operating in this state;

(2) One (1) member shall be a master electrician;

(3) One (1) member shall be a Class A HVACR license holder whose business is located in this state;

(4) One (1) member shall be a Class B HVACR license holder whose business is located in this state;

(5) One (1) member shall be a master plumber;

(6) One (1) member shall be a representative of the manufacturers of elevators within this state;

(7) One (1) member shall be a representative of the elevator mechanics within this state;

(8)(A) Two (2) members shall be a licensed professional engineer as defined in § 17-30-101.

(B) One (1) member under subdivision (a)(8)(A) of this section shall be engaged primarily in the design and construction of electrical and mechanical installations.

(C) One (1) member under subdivision (a)(8)(A) of this

section shall be engaged primarily in plumbing design;

(9) One (1) member shall be a representative of a city or county building inspection program; and

(10) One (1) member shall be active in the installation and servicing of fire protection systems.

SECTION 31. Arkansas Code § 17-33-202 is amended to read as follows:
17-33-202. Powers and duties.

The ~~HVACR Licensing Board~~ Code Enforcement Licensing Board may:

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

(2)(A) Except as provided in subdivision (2)(B) of this section, adopt a mechanical code and standards for the conduct of HVACR work.

(B) A mechanical code or standard adopted under subdivision (2)(A) of this section shall not prohibit or limit the use of a refrigerant designated as acceptable for use in accordance with 42 U.S.C. § 7671k, as it existed on January 1, 2023, if the equipment containing the refrigerant is listed and installed in accordance with the safety standards and use conditions established in accordance with 40 C.F.R. §§ 82.170 – 82.184, as they existed on January 1, 2023;

(3) Assist and advise the Department of Labor and Licensing 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 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) 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;

(10) Assist and advise the department in other such matters as requested by the department; and

(11) Establish fees for the proper administration of the requirements of this chapter.

SECTION 32. Arkansas Code § 17-33-203 is amended to read as follows:
 17-33-203. Administrative procedures.

For the purpose of this chapter, all hearings conducted by the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board and all appeals taken from the decisions of the board shall be pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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

(a)(1) The ~~HVACR Licensing Board~~ Code Enforcement 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
Class B License	150.00
Class C License	100.00
Class D License	150.00
Class E License	150.00

Class L License No Charge
Registration Fee 25.00.

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

SECTION 34. Arkansas Code § 17-33-205 is amended to read as follows:
17-33-205. Disposition.

(a)(1) All fees or payments of any type collected by the HVACR ~~Licensing Board~~ Code Enforcement Licensing Board under this chapter shall be deposited into the State Treasury as special revenues, and the Treasurer of State shall credit those fees or payments to the ~~“HVACR Licensing Fund” which is hereby created~~ “Code Enforcement Licensing Board Fund” created under § 19-6-846, there to be used as provided by law.

~~(2)(A) All funds deposited into the HVACR Licensing Fund shall be used for the maintenance, operation, and improvement of the HVACR Licensing and Inspection Program of the Department of Labor and Licensing.~~

~~(B) The Chief Fiscal Officer of the State is hereby authorized, from time to time, to make transfers of moneys from the Budget Stabilization Trust Fund as loans to the HVACR Licensing Fund to be used for maintenance and operation of the program. Provided, that any such moneys loaned from the Budget Stabilization Trust Fund to the HVACR Licensing Fund shall be repaid from fees derived from the program on or before the last day of the fiscal year in which the loan of the funds is made.~~

~~(3)(2)~~ Subject to such rules as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Labor and Licensing is hereby authorized to transfer all unexpended funds ~~relative to the program~~ that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

(b) Any moneys received from the sale or trade of motor vehicles and other capital equipment purchased with HVACR licensing funds shall be credited to the ~~HVACR Licensing Fund~~ Code Enforcement Licensing Board Fund.

SECTION 35. Arkansas Code § 17-33-302(a)(2), concerning licensure qualifications for HVACR workers, is amended to read as follows:

(2) Make application to the Department of Labor and Licensing on

forms prescribed by the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board;

SECTION 36. Arkansas Code § 17-33-303 is amended to read as follows:

17-33-303. Classes of licenses.

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

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

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

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

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

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

air for human comfort requirements; and

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

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

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

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

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

SECTION 37. Arkansas Code § 17-33-304 is amended to read as follows:
17-33-304. Display of license number.

Every individual licensed under this chapter shall display his or her HVACR license number on all his or her business vehicles and in all forms of advertising in a manner prescribed by the rules promulgated by the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board.

SECTION 38. Arkansas Code § 17-33-305 is amended to read as follows:
17-33-305. Ground for denial.

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration, except that the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board may deny a license if the applicant has:

(1) Committed any act which if committed by a licensee or registrant would be grounds for suspension or revocation of the license or registration;

(2) Previously been denied a license or registration under this

chapter for cause or previously had a license or registration revoked for cause; or

(3) Knowingly made any false statement or misrepresentation on the application.

SECTION 39. Arkansas Code § 17-33-306 is amended to read as follows:
17-33-306. Expiration and renewal.

All licenses or registrations issued under this chapter shall expire one (1) year after the date of issuance or at a time specified by the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board ~~of the Department of Labor and Licensing~~. To renew a license or registration, the licensee must submit to the Department of Labor and Licensing before the expiration date on a form prescribed by the department the appropriate license or registration fees required by this chapter.

SECTION 40. Arkansas Code § 17-33-307 is amended to read as follows:
17-33-307. Grounds for suspension or revocation.

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

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

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

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

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

SECTION 41. Arkansas Code § 17-33-308(c), concerning the procedure for suspension or revocation HVACR workers' licenses, is amended to read as follows:

(c) Any member of the ~~HVACR Licensing Board~~ Code Enforcement Licensing Board or a representative designated by the board shall have the authority to

administer oaths for the taking of testimony.

SECTION 42. Arkansas Code § 17-38-101(3), concerning definitions pertaining to plumbers, is amended to read as follows:

(3) "Board" means the ~~State Board of Health~~ Code Enforcement Licensing Board;

SECTION 43. Arkansas Code § 17-38-101(4), concerning definitions pertaining to plumbers, is amended to read as follows:

(4) "Department" means the ~~Department of Health~~ Department of Labor and Licensing;

SECTION 44. Arkansas Code § 17-38-102(b), concerning prohibited acts pertaining to plumbers, is amended to read as follows:

(b) Any person who shall do any act prohibited in this chapter or fail to obey a lawful order of the ~~Department of Health~~ Code Enforcement Licensing Board or a judgment or decree of a court in connection with this chapter shall be punished by imprisonment in the county jail for not more than three (3) months or by a fine not exceeding five hundred dollars (\$500). Each day during which the violation continues shall constitute a separate offense.

SECTION 45. Arkansas Code § 17-38-102(d)(1), concerning penalties pertaining to plumbers, is amended to read as follows:

(d)(1) Every firm, person, or corporation that violates any of the provisions of this chapter or the rules or orders issued or promulgated by the ~~State Board of Health~~ Code Enforcement Licensing Board or that violates any condition of a license, permit, certificate, or any other type of registration issued by the ~~committee~~ board may be assessed a civil penalty by the ~~committee~~ board.

SECTION 46. Arkansas Code § 17-38-102(e), concerning fines collected for plumbing violations, is amended to read as follows:

(e) All fines collected under this section shall be deposited into the State Treasury and credited to the ~~Plumbers Licensing Fund~~ Code Enforcement Licensing Board Fund to be used to defray the costs of administering this chapter and as otherwise provided by law.

SECTION 47. Arkansas Code § 17-38-103(a), concerning the scope of the state plumbing code, is amended to read as follows:

(a) After adoption according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the provisions of the state plumbing code or amendments to the state plumbing code as adopted by the ~~State Board of Health Code Enforcement Licensing Board~~ defining plumbing work and prescribing minimum requirements for design, materials, appliances, workmanship, and methods of installation shall have the effect and force of law in the form of minimum standards statewide in application. The provisions shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision of the state.

SECTION 48. Arkansas Code § 17-38-104(a)(1), concerning inspections by the state in cities with enforcement officers pertaining to plumbing, is amended to read as follows:

(a)(1) The ~~Department of Health~~ Department of Labor and Licensing inspectors may go into any city that has a city code enforcement officer and assist the city code enforcement officer for the purpose of ensuring that the minimum standards of the state plumbing code and plumber licensing rules are being met.

SECTION 49. Arkansas Code § 17-38-105(4)(B), concerning exceptions under the laws pertaining to plumbing, is amended to read as follows:

(B) This exemption applies to any existing or future plumbing codes or rules promulgated by the ~~State Board of Health Code Enforcement Licensing Board~~, or its successor agency.

SECTION 50. Arkansas Code § 17-38-201 is amended to read as follows:
17-38-201. Powers and duties generally – Definition.

(a) The ~~State Board of Health Code Enforcement Licensing Board~~ shall have the following powers:

(1) To ensure that the construction, installation, and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, shall be safe and sanitary in order to safeguard the public health;

(2)(A) To have general supervision of all plumbing and, according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall prescribe and publish and enforce minimum reasonable standards that shall be uniform as far as practicable.

(B) The Secretary of the ~~Department of Health~~ Department of Labor and Licensing or any employee of the ~~Department of Health~~ Department of Labor and Licensing designated by the ~~State Board of Health~~ department may act for the ~~State Board of Health~~ Code Enforcement Licensing Board except in adoption of rules;

(3) To prescribe rules as to the qualifications, examination, and licensing of master plumbers and journeyman plumbers and for the registration of apprentice plumbers;

~~(4) To assign the duties of the Committee of Plumbing Examiners;~~

~~(5)(A) (4)(A)~~ To prescribe rules as to the use of corrugated stainless steel piping.

(B) Such rules shall be no more stringent than the American National Standards for Interior Fuel Gas Piping Systems; and

~~(6)(A) (5)(A)~~ To require that a survey and inspection for leaks, proper venting, and general condition of the natural gas piping system and gas utilization equipment connected thereto, including appliances, serving any school accredited by the State Board of Education shall be performed as frequently as necessary, but at intervals not exceeding one (1) year. School officials shall be responsible to ensure that these surveys and inspections are performed by a qualified agency and that proof of the survey results are provided to the ~~Division of Protective Health Codes of the Department of Health~~ department by September 1 each year.

(B) As used in subdivision ~~(a)(6)(A)~~ (a)(5)(A) of this section, "qualified agency" means any individual, firm, corporation, or company which either in person or through a representative is engaged in and is responsible for the installation, replacement, or repair of consumer gas piping, or the connection, installation, repair, or servicing of gas utilization equipment, and is experienced in such work and familiar with all precautions required and has complied with all requirements of the ~~State Board of Health~~ Code Enforcement Licensing Board and the department and the codes and rules.

(b) The ~~State Board of Health~~ Code Enforcement Licensing Board shall

prescribe rules governing plumbing apprentice training committees and, in cooperation with educational authorities, assist in related training programs for plumbers.

(c) The department may exercise such powers as are reasonably necessary to carry out the provisions of this chapter. Among other things, it may:

(1) Employ competent supervisors who shall be licensed plumbers or licensed engineers, employ other assistants, and prescribe qualifications and assign duties for the supervisors and assistants;

(2) Conduct investigations and experiments for the advancement of technical knowledge relating to plumbing and hold public meetings and attend or be represented at the meetings within or without the state;

(3) Enter and inspect at reasonable hours plumbing installations on private or public property and disseminate information relative to the provisions of this chapter;

(4) Prepare and cause to be printed such codes, bulletins, or other documents as may be necessary and furnish copies thereof to those engaged in the plumbing business and to the public upon request;

(5) Charge a reasonable fee for plumbing inspections;

(6) Furnish upon request of the owner of the building or of the plumber making the plumbing installation, recommendations, or a certificate of inspection;

(7) Issue restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic, and hospital maintenance licenses if the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and if the ~~State Board of Health~~ Code Enforcement Licensing Board has adopted rules defining restrictions in the type of work allowed, geographical area served, and term of the type of restricted license; and

(8) Prepare a list giving the names and addresses of all licensed plumbers and registered apprentice plumbers.

(d)(1) The ~~State Board of Health~~ Code Enforcement Licensing Board shall prescribe rules as to the qualifications, examination, and licensing of master plumbers and journeyman plumbers and for the registration of plumbing apprentices.

(2) The ~~State Board of Health~~ Code Enforcement Licensing Board

shall publish a list giving the names and addresses of all licensed plumbers, registered plumbers, and city plumbing inspectors.

(e) The ~~State Board of Health~~ Code Enforcement Licensing Board may issue special licenses and restricted licenses, including, but not limited to, gas licenses and other licenses which may cover a special phase of plumbing, provided that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed.

(f) The department shall issue a restricted gas utility license to all gas utilities having gas servicepersons. The license shall cover all of the servicepersons of the utility if the utility requires each serviceperson to be specially trained for this service. The utility shall be responsible to the department for each serviceperson and shall provide an identification card showing the utility name, utility license number, and the restricted service of the serviceperson. The utility shall register each serviceperson and his or her serial number with the department.

(g) The ~~State Board of Health~~ Code Enforcement Licensing Board shall allow the use of a harvested rainwater system used for a nonpotable purpose if the harvested rainwater system:

- (1) Is designed by a professional engineer licensed in Arkansas;
- (2) Is designed with appropriate cross-connection safeguards; and
- (3) Complies with the state plumbing code.

~~(h) The department and the State Board of Health shall:~~

~~(1) Accept plumbing plan review documents via email, via mail, or in person; and~~

~~(2) Respond to an individual or entity submitting plumbing plan review documents via email, unless the individual or entity indicates that the individual or entity would prefer to receive the response via mail.~~

SECTION 51. Arkansas Code § 17-38-202 is repealed.

~~17-38-202. Committee of Plumbing Examiners.~~

~~(a)(1) The State Board of Health shall appoint a Committee of Plumbing Examiners consisting of seven (7) voting members, prescribe their qualifications, and assign their duties.~~

~~(2) Qualifications of the members of the committee shall be as follows:~~

- ~~(A) Two (2) of the members shall be master plumbers;~~

~~(B) One (1) shall be a journeyman plumber;~~
~~(C) One (1) shall be a professional engineer as defined in § 17-30-101 with special expertise in plumbing design;~~
~~(D) Two (2) shall be consumers; and~~
~~(E) One (1) shall be a representative of the Department of Health.~~

~~(b) The member from the department shall serve on the committee until replaced by the Secretary of the Department of Health.~~

~~(c) The term of office for the remaining members shall be for a staggered term of four (4) years. The board may remove a member for cause.~~

~~(d) When so directed, the committee and other employees of the department shall serve the board in an advisory capacity in the formulating of rules to be adopted by the board.~~

~~(e) Those members of the committee who are not employees of the State of Arkansas may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(f) The Director of the Plumbing and Natural Gas Section of the Department of Health shall serve as executive secretary for the committee.~~

SECTION 52. Arkansas Code § 17-38-203(a), concerning the regulation of training plumbers, is amended to read as follows:

(a) The ~~State Board of Health~~ Code Enforcement Licensing Board shall prescribe rules governing plumbing apprentice training committees and, in cooperation with educational authorities, assist in related training programs for plumbers.

SECTION 53. Arkansas Code § 17-38-204(a), concerning local regulatory authority concerning plumbing, is amended to read as follows:

(a) 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 contact shall prescribe rules ~~and regulations~~ governing plumbing not in conflict with and equal to or exceeding the minimum standards prescribed by the ~~Department of Health~~ Department of Labor and Licensing.

SECTION 54. Arkansas Code § 17-38-204(f)(2), concerning rules for

local plumbing inspection programs, is amended to read as follows:

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

SECTION 55. Arkansas Code § 17-38-204(h), concerning local plumbing plans, is amended to read as follows:

(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 city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may have an employee who is certified as a plumbing and natural gas inspector perform plan reviews of plumbing plans.

(2)(A)(i) All plumbing plans approved under subdivision (h)(1) of this section shall not be required to be:

(a) Submitted with a payment of a fee to the ~~department~~ Department of Health if a fee is submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county; or

(b) Reviewed by the ~~department~~ Department of Health if an engineer licensed in this state has prepared the plumbing plan and the employee described under subdivision (h)(1) of this section is a licensed engineer in this state.

(ii) However, a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may submit a plumbing plan to the ~~department~~ Department of Health for an advisory opinion.

(B) The ~~department~~ Department of Health 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) A n employee who performs a plan review under subdivision

(h)(1) of this section has the responsibility to ensure that the plumbing plan meets state requirements.

(B) The ~~department~~ Department of Health may audit or inspect the records of an employee who performs a plan review under 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~~ Department of Health 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.

(5) A plumbing plan review under this section includes a review of the plumbing as defined in § 17-38-101 and the water supply, water lines, and sewage line designs.

SECTION 56. Arkansas Code § 17-38-205 is amended to read as follows:

17-38-205. Disposition of funds – Loans.

(a)(1) All fees or payments of any type collected by the State Board of Health solely for performing plan review functions and duties under this chapter shall be deposited into the State Treasury on or before the fifth day of the month next following the month of collection thereof, and the Treasurer of State shall credit the fees or deposits to the credit of the ~~“Plumbers Licensing Fund”~~ “Department of Health Plan Review Fund”, which ~~is~~ hereby created under § 19-6-417.

~~(b)(2)~~ All funds deposited into the ~~Plumbers Licensing Fund~~ Plan Review Fund shall be used for the maintenance, operation, and improvement of the plumbers licensing and inspection services of the board.

~~(c)(3)~~ The Chief Fiscal Officer of the State is authorized, from time to time, to make transfers of moneys in the Budget Stabilization Trust Fund as loans to the ~~Plumbers Licensing Fund~~ Department of Health Plan Review Fund to be used for maintenance and operation of the plumbers licensing and plumbing inspection program of the Department of Health. Any moneys loaned

from the Budget Stabilization Trust Fund to the ~~Plumbers Licensing Fund~~ Department of Health Plan Review Fund shall be repaid from fees derived from the plumbers licensing and plumbing inspection program on or before the last day of the fiscal year in which the loan of the funds is made.

~~(d)~~(4) All moneys received from the sale or trade of motor vehicles purchased with funds from the former Plumbers Licensing Fund shall be credited to the ~~Plumbers Licensing Fund~~ Code Enforcement Licensing Board Fund.

(b) All fees or payments of any type collected for plumbing licenses, permit fees, inspections, fines, or penalties under this chapter shall be deposited as special revenues into the State Treasury to the credit of the Code Enforcement Licensing Board Fund.

SECTION 57. Arkansas Code § 17-38-301(a)(1), concerning licensing requirements for plumbers, is amended to read as follows:

(a)(1) No person shall engage in work as a master plumber, journeyman plumber, apprentice plumber, or restricted license holder called for under this chapter or adopted rules unless first licensed or registered to do so by the ~~Department of Health~~ Code Enforcement Licensing Board.

SECTION 58. Arkansas Code § 17-38-302(4), concerning exemptions to the law concerning plumbers, is amended to read as follows:

(4) An individual certifying or repairing backflow devices within the scope of a plumbing system if the individual holds a certificate of competency from the ~~Plumbing and Natural Gas Section of the Department of Health~~ Arkansas Rural Water Association; or

SECTION 59. Arkansas Code § 17-38-303 is amended to read as follows:
17-38-303. Temporary permits.

(a) The Committee of Plumbing Examiners of the State Board of Health Code Enforcement Licensing Board may issue temporary revocable permits to master plumber and journeyman plumber license applicants pending examination.

(b) The State Board of Health board shall make rules and prescribe procedures governing the issuance of the permits.

SECTION 60. Arkansas Code § 17-38-304 is amended to read as follows:

17-38-304. Master plumber or journeyman plumber – Application.

(a) Application for a master plumber or journeyman plumber examination, temporary permit, or license shall be made to the ~~Department of Health~~ Code Enforcement Licensing Board with fees.

(b) No license or permit shall be transferable.

(c) Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness.

(d)(1) An applicant for the master plumber examination shall have a minimum of five (5) years of plumbing experience.

(2) An applicant for the journeyman plumber examination shall have a minimum of four (4) years of plumbing experience.

(e) The ~~Committee of Plumbing Examiners~~ board shall approve an applicant for master plumber or journeyman plumber examination provided that the applicant is currently licensed as a master plumber or journeyman plumber in another state or political subdivision of that state whose plumbing laws and codes are similar to those of this state.

(f) The ~~committee~~ board may approve an applicant for examination who is not currently licensed in another state or its political subdivision or who has no plumber licensing background, provided the applicant shows proof of experience as a plumber in accordance with subsection (d) of this section. The proof of experience may be in the form of records, affidavits, or bona fide evidence from licensing agencies, former employers, or persons who can attest to the applicant's work background as a plumber.

(g) The ~~committee~~ board may consider applicants for the master plumber examination who are registered professional engineers with special expertise in plumbing engineering.

(h) An individual applying for and obtaining a license as a journeyman plumber shall be eligible for the master plumber examination after being licensed as a journeyman plumber for one (1) year. In cases of extreme hardship, the ~~committee~~ board may waive the one-year requirement in whole or in part.

(i) The ~~committee~~ board shall consider an apprentice plumber for the journeyman plumber examination, provided the apprentice plumber has successfully completed the training as defined under the plumber apprenticeship rules.

SECTION 61. Arkansas Code § 17-38-305 is amended to read as follows:
17-38-305. Fees.

By rule and after public hearings, the ~~State Board of Health Code Enforcement Licensing Board~~ may set reasonable license or examination fees for all licenses called for under this chapter, ~~including, but not limited to,~~ including without limitation master plumber licenses, journeyman plumber licenses, apprentice plumber registration, gas utility licenses, and restricted plumber licenses.

SECTION 62. Arkansas Code § 17-38-306 is amended to read as follows:
17-38-306. Examinations.

Regular examinations shall be held at least two (2) times a year, and special examinations may be held at such time and place as may be fixed by the ~~Department of Health Code Enforcement Licensing Board~~.

SECTION 63. Arkansas Code § 17-38-307 is amended to read as follows:
17-38-307. Notice of address change.

Every holder of a license shall promptly notify the ~~State Board of Health Code Enforcement Licensing Board~~ of any change of his or her business address.

SECTION 64. Arkansas Code § 17-38-308 is amended to read as follows:
17-38-308. Expiration and renewal.

(a) All licenses shall be renewed annually, ~~within thirty (30) days after the expiration date of the license. The Department of Health may renew a license after the thirty day period if there is sufficient reason for not renewing the license in the time specified and after payment of penalties as prescribed by rule.~~

(b) The ~~department~~ Code Enforcement Licensing Board may set a system of staggered expiration dates for all licenses issued by the ~~department board~~.

(c) The ~~department~~ board may issue permits for less than one (1) year. ~~The cost of such permits shall be determined based upon the number of months the permit is valid divided by twelve (12) months multiplied by the amount of the annual permit fee.~~

SECTION 65. Arkansas Code § 17-38-309 is amended to read as follows:
17-38-309. Grounds for suspension or revocation.

The ~~Committee of Plumbing Examiners~~ Code Enforcement Licensing Board, on its own motion, may make investigations and conduct hearings and, on its own motion or upon complaint in writing signed and verified by the complainant and upon not less than ten (10) days' notice to the licensee, may suspend any plumber's license or temporary permit if the ~~committee~~ board has reason to believe, and may revoke the license or permit in the manner provided in § 17-38-310 if it finds, that the holder of the license or permit has:

- (1) Made a material misstatement in the application for license or renewal thereof or for temporary permit;
- (2) Demonstrated incompetency to act as a license holder; or
- (3) Willfully violated any provisions of this chapter or any rule or order prescribed by the ~~State Board of Health~~ board.

SECTION 66. Arkansas Code § 17-38-310 is amended to read as follows:
17-38-310. Procedure for suspension or revocation.

(a) Suspensions, revocations, civil penalties, and all other such actions regarding licensure, registration, permitting, certification, or apprenticeship, and all appeals to the ~~State Board of Health~~ Code Enforcement Licensing Board taken from such actions shall be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

~~(b) Any member of the Committee of Plumbing Examiners of the State Board of Health, a representative designated by the committee, any member of the board, or a representative designated by the board shall have the authority to administer oaths for the taking of testimony.~~

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

SECTION 67. Arkansas Code § 17-38-311 is amended to read as follows:
17-38-311. Restricted lifetime master plumber license.

(a) Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been a licensed master plumber licensed by the ~~Department of Health~~ Code Enforcement Licensing Board for not less than twelve (12)

years may apply for a restricted lifetime master plumber license. This license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the ~~department~~ board.

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

SECTION 68. Arkansas Code § 17-38-402(2), concerning the powers of the Career Education and Workforce Development Board, is amended to read as follows:

(2) To adopt rules as to the qualifications, training, and supervision of apprentice plumbers subject to the approval of the ~~Department of Health~~ Department of Labor and Licensing; and

SECTION 69. Arkansas Code § 17-40-103(a)(13), concerning exemptions to law pertaining to private investigators and private security agencies, is amended to read as follows:

(13) Installation of fixed fire extinguisher systems by persons licensed by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board;

SECTION 70. Arkansas Code § 17-55-101 is amended to read as follows:
17-55-101. Licensure of electrical inspectors.

(a) A person employed as an electrical inspector in the State of Arkansas shall hold an electrical inspector license issued by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board.

(b)(1) A person shall apply for licensure as an electrical inspector on a form approved by the board within thirty (30) days of employment as an electrical inspector.

(2) Applications shall be made to the board and shall contain:

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

(B)(i) Verification of work experience as required by rule of the board.

(ii) Work experience shall include without limitation demonstrated knowledge of:

(a) The standard materials and methods used in the installation of electric equipment;

(b) Approved methods of construction to ensure the safety of persons and property; and

(c) The requirements of the statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work under § 20-31-104; and

(C) Payment of a license fee as established by rule of the board that shall not exceed fifty dollars (\$50.00).

(c) An electrical inspector license:

(1) Shall expire on January 1 of each year; and

(2) May be renewed upon application to the board and submission of the following information:

(A) Proof of continued employment as an electrical inspector in the State of Arkansas;

(B) Payment of a renewal fee as established by rule of the board that shall not exceed fifty dollars (\$50.00); and

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

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

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

(d)(1) The board may revoke or suspend an electrical inspector's license for just cause subject to appeal and hearing before the board according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2)(A) A civil penalty may be assessed against an electrical inspector by the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing and ~~subject to appeal and hearing before the board according to the Arkansas~~

~~Administrative Procedure Act, § 25-15-201 et seq.,~~ if it is determined that the electrical inspector has violated a:

- (i) Provision of this chapter;
- (ii) Rule or order issued or promulgated by

the board; or

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

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

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

~~(ii) Seven hundred fifty dollars (\$750) for a second offense; or~~

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

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

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

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

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

(F) Any penalties collected under this section shall be deposited as special revenues into the State Treasury to the credit of the Code Enforcement Licensing Board Fund. ~~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 of this chapter.~~

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

- (1) Renewal fee under § 17-28-301; and
- (2) Continuing education requirements for master electricians and journeyman electricians under § 17-28-311.

SECTION 71. Arkansas Code § 17-55-103 is repealed.

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

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

- ~~(1) Proof of employment with the state or a political subdivision of the state as an electrical inspector in the State of Arkansas;~~
- ~~(2) Verification of work experience as required by rule of the board; and~~
- ~~(3) Payment of a license fee as required by rule of the board.~~

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

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

SECTION 72. Arkansas Code § 17-55-104 is amended to read as follows:

17-55-104. Disposition of funds.

All funds received by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board under this chapter shall be deposited as special revenues into the State Treasury to the credit of the board. ~~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, § 17-28-101 et seq., and the Arkansas Electrical Code Authority Act, § 20-31-101 et seq., 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 Secretary of the Department of Labor and Licensing.~~

SECTION 73. Arkansas Code § 17-55-105(b), concerning fees for continuing education requirements for electrical inspectors, is amended to read as follows:

(b) Fees under subsection (a) of this section shall be established by rule of the ~~Board of Electrical Examiners of the State of Arkansas Code Enforcement Licensing Board.~~

SECTION 74. Arkansas Code § 17-55-106 is amended to read as follows:
17-55-106. Rules.

The ~~Board of Electrical Examiners of the State of Arkansas Code Enforcement Licensing Board~~ may promulgate rules necessary to implement this chapter.

SECTION 75. Arkansas Code § 19-5-1242 is repealed.

~~19-5-1242. Fire Protection Licensing Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Fire Protection Licensing Fund".~~

~~(b) The fund shall consist of:~~

~~(1) All funds provided by law for the fund; and~~

~~(2) Examination and renewal fees charged pursuant to § 20-22-610.~~

~~(c) The fund shall be used for the maintenance, operation, and improvement as required by the Arkansas Fire Protection Licensing Board in carrying out the powers, functions, and duties as set out in § 20-22-601 et seq.~~

SECTION 76. Arkansas Code § 19-6-301(25), concerning special revenues of the state, is amended to read as follows:

(25) Elevator safety ~~board~~ fees, as enacted by Acts 1963, No. 189, and all laws amendatory thereto, §§ 20-24-101 – 20-24-117, and 20-24-119;

SECTION 77. Arkansas Code § 19-6-301(72), concerning special revenues

of the state, is amended to read as follows:

(72) ~~Board of electrical examiners~~ Electrician examination, license, and penalty fees, as enacted by Acts 1979, No. 870, § 17-28-101 et seq., § 17-28-201 et seq., and § 17-28-301 et seq., and Acts 1981, No. 132, and all laws amendatory thereto;

SECTION 78. Arkansas Code § 19-6-301(160), concerning special revenues of the state, is amended to read as follows:

(160) ~~HVACR Licensing Board fees, § 17-33-204~~ All fees or payments of any type collected concerning HVACR licensing, regulation, or enforcement under § 17-33-201 et seq.;

SECTION 79. Arkansas Code § 19-6-301 is amended to add a new subdivision to read as follows:

(277) All revenue collected in connection with the performance of the powers, functions, and duties of the Code Enforcement Licensing Board created under § 17-33-201, including without limitation revenue collected from licensing, regulation, and the collection of any fine, fee, penalty, setoff, judgment, or otherwise.

SECTION 80. Arkansas Code § 19-6-417 is amended to read as follows:

19-6-417. Department of Health ~~Plumbers Licensing Fund~~ Plan Review Fund.

The Department of Health ~~Plumbers Licensing Fund~~ Plan Review Fund shall consist of those special revenues as specified in § 19-6-301(64) collected for plan review functions and duties under § 17-38-204, there to be used for the maintenance, operation, and improvement required by the Plumbing Plan Review Section of the ~~Environmental Health Services Division of the~~ Department of Health in carrying out the powers, functions, and duties as set out in § 17-38-101 et seq., and for paying the expenses of administering such funds as may be authorized by law.

SECTION 81. Arkansas Code § 19-6-469 is repealed.

~~19-6-469. HVACR Licensing Fund.~~

~~The HVACR Licensing Fund shall consist of those special revenues as specified in § 19-6-301(160), there to be used for the maintenance,~~

~~operation, and improvement of the Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Licensing and Inspection program of the Department of Health as set out in § 17-33-201 et seq.~~

SECTION 82. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended to add a new section to read as follows:

19-6-846. Code Enforcement Licensing Board Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Code Enforcement Licensing Board Fund".

(b) The fund shall consist of:

(1) All revenue collected in connection with the performance of the powers, functions, and duties of the Code Enforcement Licensing Board created under § 17-33-201, including without limitation from licensing, regulation, and the collection of any fine, fee, penalty, setoff, judgment, or otherwise; and

(2) Any other revenue as may be authorized by law.

(c) The fund shall be used by the Department of Labor and Licensing to:

(1) Administer the board; and

(2) Perform any other function or duty of the department.

SECTION 83. Arkansas Code § 20-22-602(1), concerning definitions pertaining to fire extinguishers, is amended to read as follows:

(1) "Apprentice" means a qualified person who may perform work entitled by the licensee under the direct supervision of a licensed employee;

~~(A) Enrolled as required in an apprenticeship program recognized by the Arkansas Fire Protection Licensing Board; and~~

~~(B) Who may perform work entitled by the licensee under the direct supervision of a licensed employee;~~

SECTION 84. Arkansas Code § 20-22-602(6)(B), concerning the definition of "fixed fire protection systems" pertaining to fire extinguishers, is amended to read as follows:

(B) Listed or approved fire protection systems or suppression systems installed and maintained according to the standards

adopted in the rules of the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board;

SECTION 85. Arkansas Code § 20-22-603(5)(B), concerning exceptions to the law concerning fire extinguishers, is amended to read as follows:

(B) All work is performed according to the standards adopted and the rules of the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board and the National Fire Protection Association pamphlet number ten (No. 10): Standard for Portable Fire Extinguishers;

SECTION 86. Arkansas Code § 20-22-604(a), concerning penalties relating to fire extinguishers, is amended to read as follows:

(a) The ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board, in a lawful proceeding respecting licensing as defined in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition to or in lieu of any other lawful disciplinary action, may assess a civil penalty of not more than one thousand dollars (\$1,000) for each violation of any statute, rule, or order enforceable by the board.

SECTION 87. Arkansas Code § 20-22-605(a), concerning the report and investigation of violations relating to fire extinguishers, is amended to read as follows:

(a) The ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing and other state and local agencies and officers may cooperate with and assist the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board in administering and enforcing this subchapter by reporting to the board any violations of this subchapter or any failure to comply with this subchapter or the policies adopted by the board pursuant to the authority granted in this subchapter.

SECTION 88. Arkansas Code § 20-22-606 is repealed.

~~20-22-606. Arkansas Fire Protection Licensing Board — Creation — Members.~~

~~(a)(1) There is created the Arkansas Fire Protection Licensing Board, which shall be composed of eleven (11) members who are residents of the state and who shall be appointed by the Governor for terms of five (5) years. The~~

~~eleven (11) members shall be constituted as follows:~~

- ~~(A) One (1) member shall be an industrial safety representative;~~
- ~~(B) One (1) member shall be the State Fire Marshal;~~
- ~~(C) One (1) member shall be a representative of a state association of fire chiefs;~~
- ~~(D) One (1) member shall be a representative of the fire insurance industry;~~
- ~~(E) Two (2) members shall be representatives of large industrial users of fire suppression equipment;~~
- ~~(F) One (1) member shall be a representative of a restaurant association;~~
- ~~(G) Two (2) members shall be active in the installation and servicing of portable fire extinguishers or fixed fire protection systems; and~~
- ~~(H) Two (2) members shall be active in the installation and servicing of fire protection sprinkler systems.~~

~~(2) Each of the four (4) congressional districts in the state shall be represented by at least one (1) member.~~

~~(3) Each of the members shall be experienced and knowledgeable in one (1) or more of the following areas:~~

- ~~(A) The installation or servicing of:

 - ~~(i) Portable fire extinguishers;~~
 - ~~(ii) Fixed fire protection systems; and~~
 - ~~(iii) Fire protection sprinkler systems;~~~~
- ~~(B) The manufacturing of fire suppression equipment;~~
- ~~(C) The fire insurance industry;~~
- ~~(D) The use of fire suppression equipment by the food service industry; or~~
- ~~(E) The provision of fire suppression services by a fire department.~~

~~(b) Each member may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(c)(1) The board may expend moneys as necessary to reimburse the Department of Labor and Licensing for stationery, office supplies, application forms, equipment, and other materials necessary for the board to~~

~~carry out its duties.~~

~~(2) The expense reimbursement and stipends authorized by § 25-16-901 et seq. and the expense for necessary office supplies, forms, equipment, and other necessary materials shall be paid from the fees and fines collected by the board.~~

~~(d)(1) The board shall employ an executive director, chief board investigator, and other staff as necessary whose compensation shall be set by the board.~~

~~(2) The staff shall be paid from fees and fines collected by the board.~~

SECTION 89. The introductory language of Arkansas Code § 20-22-607 is amended to read as follows:

The ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board shall:

SECTION 90. Arkansas Code § 20-22-608 is amended to read as follows:

20-22-608. State Fire Marshal – Powers and duties.

The State Fire Marshal shall advise and assist the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board in the adoption of policies and procedures for the:

- (1) Effective monitoring of the sale, installation, and servicing of portable fire extinguishers;
- (2) Sale, installation, and servicing of fixed fire protection systems;
- (3) Design, installation, inspection, servicing, and maintenance of fire protection sprinkler systems, including standpipe and hose systems; and
- (4) Registration and licensing of firms and individuals providing these goods and services.

SECTION 91. Arkansas Code § 20-22-609(8), concerning penalties related to fire extinguishers, is amended to read as follows:

(8) Engage in any business or activity licensed or permitted by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board without maintaining in force at all times a public liability insurance

policy, with minimum coverage limits as set by the board, covering the person's operations and completed operations.

SECTION 92. Arkansas Code § 20-22-610(a), concerning applications for a license, permit, or certificate relating to fire extinguishers, is amended to read as follows:

(a) Applications for licenses, permits, and certificates provided for in this section shall be made under policies adopted by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board and shall be submitted on forms prescribed by the board.

SECTION 93. Arkansas Code § 20-22-610(b)(6)(D), concerning apprentice permits relating to fire extinguishers, is amended to read as follows:

~~(D)(i) A copy of the application or the apprentice permit is valid for one (1) year from the date of issue and is not renewable. The~~ fire protection sprinkler system apprentice permit is valid for one (1) year from the date of issue.

(ii) The portable fire extinguishers and fixed fire protection systems apprentice permit is valid for one (1) year from the date of issue and is not renewable.

SECTION 94. The introductory language of Arkansas Code § 20-22-611(a), concerning qualifications for a license, permit, or certificate related to fire extinguishers, is amended to read as follows:

(a) For a license to install or service portable fire extinguishers, for a license to sell, install, or service fixed fire protection systems, or for a license to conduct any fire protection sprinkler system business, a person employed by a certified firm shall obtain a license issued by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board after:

SECTION 95. Arkansas Code § 20-22-612 is repealed.

~~20-22-612. License, permit, or certificate — Previously engaged persons.~~

~~Notwithstanding the provisions of this subchapter, if any person or firm engaged in the business on January 1, 1977, of servicing portable fire~~

~~extinguishers, installing or servicing fixed fire protection systems, or performing hydrostatic testing of fire extinguishers derived twenty five percent (25%) or more of the personal or firm income from servicing portable fire extinguishers or installing or servicing fixed fire protection systems or hydrostatic testing of fire extinguishers during the 1976 calendar year, the person or firm shall be registered or issued a license to continue in the business upon payment of the annual registration or license fee prescribed in this subchapter for the particular type of business, if the applicant's qualifications meet those requirements established by the Arkansas Fire Protection Licensing Board.~~

SECTION 96. Arkansas Code § 20-22-613(a), concerning fire extinguisher approval from testing laboratories, is amended to read as follows:

(a) No portable fire extinguisher or fixed fire protection system may be sold or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory approved by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board.

SECTION 97. Arkansas Code § 20-23-101(3), concerning definitions pertaining to boiler safety, is amended to read as follows:

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

SECTION 98. Arkansas Code § 20-23-101, concerning definitions pertaining to boiler safety, is amended to add a new subdivision to read as follows:

(7) "Boiler Inspection Section" means a unit of the Code Enforcement Licensing Board devoted to the administration of this chapter under the direction of the Secretary of the Department of Labor and Licensing or his or her designee.

SECTION 99. Arkansas Code § 20-23-103 is amended to read as follows:
20-23-103. Enforcement.

(a) The criminal penalties provided by this chapter shall be enforced by the prosecuting attorney of each judicial district. The administrative

penalties provided by this chapter shall be imposed pursuant to rules of the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

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

SECTION 100. Arkansas Code § 20-23-104 is amended to read as follows:
20-23-104. Periodic or regular attendance.

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

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

(c) All steam boilers fifty horsepower (50 hp) and over, as rated by the manufacturer in any location, and steam boilers used in hospitals, 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 101. 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 102. 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 Vessel Inspectors.

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

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

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

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

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

(c) The salaries of the employees of the Boiler Inspection ~~Division~~

Section, together with the necessary expenses of the Boiler Inspection ~~Division~~ Section, shall be paid out of the fees for which provision is made in this chapter.

SECTION 103. The introductory language of Arkansas Code § 20-23-203(a), concerning the duties of the Chief Inspector of the Boiler Inspection Division, is amended to read as follows:

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

SECTION 104. Arkansas Code § 20-23-203(c), concerning the duties of the Chief Inspector of the Boiler Inspection Division, is amended to read as follows:

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

(2) He or she shall keep in his or her office a complete and accurate record of the names of all owners or operators of boilers inspected by the Boiler Inspection ~~Division~~ Section, together with the location, make, type, dimensions, age, condition, pressure allowed upon, and date of the last inspection of all boilers and shall make an annual report thereon to the ~~director~~ secretary or his or her designee.

SECTION 105. Arkansas Code § 20-23-301 is amended to read as follows:

20-23-301. Certificate of inspection required – Application of rules and standards – Penalties.

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

(2)(A) All boilers and pressure vessels installed or in

operation in this state shall conform to those rules and standards that shall from time to time be adopted by the Boiler Inspection ~~Division~~ Section with the approval of the ~~director~~ secretary or his or her designee.

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

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

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

(b) Any person violating this section shall be subject to an administrative fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000).

SECTION 106. 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 107. 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 108. 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 109. 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 110. 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 or unfired pressure vessel or pressure piping system shall obtain a permit from the Boiler Inspection ~~Division~~ Section before any boiler or unfired pressure vessel or pressure piping system may be installed or moved and installed in the State of Arkansas.

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

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

SECTION 111. Arkansas Code § 20-23-308 is amended to read as follows:

20-23-308. New boilers and unfired pressure vessels – Fees.

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

(1) Boilers:

- (A) Up to ~~25~~ 200 horsepower, incl. ~~\$15.00~~ \$25.00
- (B) ~~Over 25 horsepower to 50 horsepower, incl. 20.00~~
- (C) ~~Over 50 horsepower to 100 horsepower, incl. 25.00~~
- (D) ~~Over 100 horsepower to 200 horsepower, incl. 30.00~~
- (E) ~~Over 200 horsepower to 300 horsepower, incl. 50.00~~
- (F) ~~Over 300 horsepower to 400 horsepower, incl. 60.00~~
- (G) ~~Over 400 horsepower to 500 horsepower, incl. 70.00~~
- (H) Over 500 200 horsepower ~~\$95.00~~ \$45.00

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

- (A) ~~500 gallons capacity or less \$15.00~~
- (B) ~~501 gallons capacity to 1,000 gallons capacity 20.00~~
- (C) ~~1,001 gallons capacity to 5,000 gallons capacity 40.00~~
- (D) ~~5,001 gallons capacity and over 50.00~~

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

SECTION 112. Arkansas Code § 20-23-310 is amended to read as follows:
20-23-310. Suspension.

(a)(1) The Chief Inspector of the Boiler Inspection ~~Division~~ Section or his or her authorized ~~representatives~~ representative may at any time suspend an inspection certificate when in ~~their~~ his or her opinion the boiler or unfired pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or unfired pressure vessel is found not to comply with the rules provided in this subchapter.

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

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

(b) Any inspector of the ~~division~~ Boiler Inspection Section or any commissioned inspector of any insurance company or inspection service

provider who after inspection of a boiler or unfired pressure vessel shall find it unsafe for operation shall suspend its certificate of inspection and forbid its further use until it shall have been made to conform to the standards adopted by the ~~division~~ Boiler Inspection Section and until its certificate of inspection shall have been reinstated by an authorized inspector.

SECTION 113. Arkansas Code § 20-23-311 is amended to read as follows:
20-23-311. Inspection fees generally.

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

- (1) Boilers: \$25.00; and
 - ~~(A) Up to and including 15 horsepower, incl. \$10.00~~
 - ~~(B) Over 15 horsepower to 50 horsepower, incl. 13.00~~
 - ~~(C) Over 50 horsepower to 100 horsepower, incl. 18.00~~
 - ~~(D) Over 100 horsepower to 150 horsepower, incl. 20.00~~
 - ~~(E) Over 150 horsepower to 250 horsepower, incl. 23.00~~
 - ~~(F) Over 250 horsepower to 500 horsepower, incl. 35.00~~
 - ~~(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 114. 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 without payment of costs or giving of bond for costs to institute suit in the name of the State of Arkansas in any court of competent jurisdiction to collect the fees, penalties, costs, and charges.

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

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

judgment obtained by the ~~Division of Labor~~ department or the Boiler Inspection ~~Division~~ Section.

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

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

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

SECTION 115. Arkansas Code § 20-23-314 is amended to read as follows:
20-23-314. Pressure piping inspections.

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

(b)(1) Upon completion of the installation of any pressure piping, a final inspection shall be made, and the inspector shall complete a final inspection report on a form approved by the ~~Director of the Division of Labor~~ Secretary of the Department of Labor and Licensing or his or her designee.

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

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

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

(e) For each inspection made by an inspector employed by the Boiler Inspection ~~Division~~ Section and required by subsection (a), subsection (b), or subsection (c) of this section, the holder of the installation permit

shall pay the Boiler Inspection ~~Division~~ Section an inspection fee in the amount of four hundred forty dollars (\$440) per day or two hundred twenty dollars (\$220) per half-day, ~~plus expenses and mileage at the rates authorized for employees of the Division of Labor who furnish their own transportation.~~

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

SECTION 116. Arkansas Code § 20-23-401(a), concerning certificates of competency and commissions of inspectors of the Boiler Inspection Division, is amended to read as follows:

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

SECTION 117. Arkansas Code § 20-23-401(f)(1), concerning commissions issued relating to boiler safety, is amended to read as follows:

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

SECTION 118. Arkansas Code § 20-23-402 is amended to read as follows:

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

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

(1) Inspect internally and externally at least one (1) time annually or within the time granted under § 20-23-203(a) all high pressure

steam boilers insured by their respective companies;

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

(3) Inspect unfired pressure vessels biennially.

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

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

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

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

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

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

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

SECTION 119. Arkansas Code § 20-23-404 is amended to read as follows:
20-23-404. Operators.

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

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

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

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

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

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

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

~~(B) The licensee is to work under the direction and supervision of a regularly licensed boiler operator.~~

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

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

SECTION 120. Arkansas Code § 20-23-405 is amended to read as follows:

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

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

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

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

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

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

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

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

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

SECTION 121. Arkansas Code § 20-23-406 is amended to read as follows:

20-23-406. Restricted lifetime license – Certificate of competency and commission.

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

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

(2)(A) Upon reaching sixty-five (65) years of age or any time

thereafter, any person who has been a boiler operator for no fewer than twelve (12) years may apply for a restricted lifetime boiler operator's license.

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

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

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

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

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

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

SECTION 122. Arkansas Code § 20-23-407 is amended to read as follows:
20-23-407. Owner or user inspection programs.

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

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

(c)(1)(A) After notice and opportunity for hearing, any owner or user

who is found to have violated rules prescribed by the ~~director~~ secretary or his or her designee pursuant to this subchapter shall be assessed a civil monetary penalty of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000).

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

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

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

SECTION 123. Arkansas Code § 20-24-101(2), concerning definitions pertaining to elevators, dumbwaiters, and escalators, is amended to read as follows:

(2) "Authorized representative" means the building department of cities, towns, or other governmental subdivisions designated by the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing to enforce certain provisions of this chapter;

SECTION 124. Arkansas Code § 20-24-101(11), concerning definitions pertaining to elevators, dumbwaiters, and escalators, is amended to read as follows:

(11) "Freight elevator" means an elevator used for carrying freight and on which are permitted to ride only the operator and the persons necessary for loading and unloading and such other designated persons who may be authorized by the rules of the ~~Elevator Safety Board~~ Code Enforcement Licensing Board;

SECTION 125. Arkansas Code § 20-24-103 is amended to read as follows:
20-24-103. Penalties – Prosecution of violations.

(a)(1) A person, owner, lessee, partnership, association, corporation, licensee, or inspector who violates this chapter or a rule adopted by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board is subject to a civil fine of not less than five hundred dollars (\$500) and not more than one

thousand dollars (\$1,000) for each offense.

(2) Each day during which a violation continues shall be a separate offense.

(b) An action for recovery of the penalties provided by this section shall be instituted by the ~~Division of Occupational and Professional Licensing Boards and Commissions or its authorized representative~~ Secretary of the Department of Labor and Licensing or his or her designee and shall be in the form of a civil action before a court of competent jurisdiction.

(c) In addition to the penalties in subsection (a) of this section, the ~~Director of the Division of Occupational and Professional Licensing Boards and Commissions~~ secretary or his or her designee may petition a court of competent jurisdiction to enjoin or restrain violations of this chapter or a rule adopted by the board.

SECTION 126. Arkansas Code § 20-24-104 is amended to read as follows:
20-24-104. Enforcement.

(a) Except when otherwise provided, the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing shall have the power, and it shall be its duty, to enforce this chapter and the rules adopted by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board.

(b) In cities, towns, or other governmental subdivisions having a building department with qualified personnel to enforce this chapter or portions thereof, the ~~Director of the Division of Occupational and Professional Licensing Boards and Commissions~~ Secretary of the Department of Labor and Licensing or his or her designee may delegate the building department as the authorized representative of the ~~division~~ Department of Labor and Licensing to enforce and carry out the provisions of §§ 20-24-112 – 20-24-116 or any portion thereof as may be designated by him or her.

SECTION 127. Arkansas Code § 20-24-105 is repealed.

~~20-24-105. Elevator Safety Board — Creation — Members.~~

~~(a) There is created the Elevator Safety Board, consisting of six (6) members, one (1) of whom shall be the Secretary of the Department of Labor and Licensing or his or her designee, who shall serve continuously, and five (5) of whom shall be appointed by the Governor for terms of four (4) years.~~

~~(b) Upon the death, resignation, or incapacity of any member, the Governor shall fill the vacancy, for the remainder of the unexpired term, with a representative of the same interests as those of his or her predecessor.~~

~~(c) Of the five (5) members appointed by the Governor:~~

~~(1) One (1) shall be a representative of the owners and lessees of elevators within this state;~~

~~(2) One (1) shall be a representative of the manufacturers of elevators used within this state;~~

~~(3) One (1) shall be a representative of an insurance company authorized to insure the operation of elevators in this state;~~

~~(4) One (1) shall be a representative of the public at large; and~~

~~(5) One (1) shall be appointed by the Governor after consulting with the board of trustees of the Elevator Industry Work Preservation Fund and subject to confirmation by the Senate.~~

~~(d) The board shall meet at the call of the secretary who shall designate in the call the time and place of the meeting.~~

~~(e) The members except the secretary may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

SECTION 128. Arkansas Code § 20-24-106(a), concerning the powers and duties of the Elevator Safety Board, is amended to read as follows:

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

SECTION 129. Arkansas Code § 20-24-107(a)(1), concerning the adoption of rules by the Elevator Safety Board, is amended to read as follows:

(a)(1) A public hearing shall be held by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board before the adoption of any rules authorized by this chapter.

SECTION 130. Arkansas Code § 20-24-108(a), concerning qualifications for the licensure of conveyance inspections, is amended to read as follows:

(a)(1) The inspections of conveyances required by this chapter shall be made by an elevator inspector licensed by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board.

(2) To be eligible for a license to inspect conveyances, the applicant or licensee shall:

(A) Have experience in designing, installing, maintaining, or inspecting conveyances to the extent established by rules of the board;

(B) Successfully pass a written examination approved by the board;

(C)(i) Submit with his or her application for a license or renewal of a license proof of an insurance policy:

(a) Issued by an insurance company authorized to do business in Arkansas; and

(b) Providing general liability coverage for at least one million dollars (\$1,000,000) for injury or death of a person and five hundred thousand dollars (\$500,000) for property damage.

(ii) The provision for liability insurance required by subdivision (a)(2)(C)(i) of this section shall not apply to elevator inspectors employed by the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing; and

(D)(i) Have no financial interest in any business or operation which manufactures, installs, repairs, modifies, or services conveyances.

(ii) This qualification does not prohibit an employee of an insurance company insuring conveyances from obtaining a license as an elevator inspector.

SECTION 131. The introductory language of Arkansas Code § 20-24-108(c)(2), concerning application requirements, is amended to read as follows:

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

SECTION 132. Arkansas Code § 20-24-109 is amended to read as follows:
20-24-109. Application and examination for licenses – Issuance and renewal.

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

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

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

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

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

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

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

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

(b) The board may license a person as an elevator inspector, elevator mechanic, elevator testing contractor, or elevator contractor without examination if he or she holds an equivalent license for a state or city that has a standard of examination substantially equal to that provided for in § 20-24-108.

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

(1) Payment of the license renewal fee; and

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

(d)(1) Whenever an emergency exists and the board determines that there are not enough licensed elevator mechanics to perform the work

necessary to provide for the safety of life, limb, and property and to protect the public welfare, the board may waive the requirements of this chapter and issue an emergency elevator mechanic license that may be valid for no longer than thirty (30) days.

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

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

SECTION 133. Arkansas Code § 20-24-110(c), concerning prohibited activities of elevator inspectors, is amended to read as follows:

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

SECTION 134. The introductory language of Arkansas Code § 20-24-110(d), concerning financial disclosure statement required of elevator inspectors, is amended to read as follows:

(d) On or before the last day of January of each year, all licensed elevator inspectors shall file with the Department of Labor and Licensing a financial disclosure statement on forms provided by the department and approved by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board. Such forms shall include, but not be limited to, the following:

SECTION 135. Arkansas Code § 20-24-111 is amended to read as follows:
20-24-111. Maintenance.

Every elevator, dumbwaiter, and escalator shall be maintained by the owner or lessee in a safe operating condition so that it conforms to the rules and requirements of the ~~Elevator Safety Board~~ Code Enforcement Licensing Board as adopted under § 20-24-107(a) and (b).

SECTION 136. Arkansas Code § 20-24-112(a)(1) and (2), concerning testing and inspection requirements of elevators, dumbwaiters, and escalators, are amended to read as follows:

(1)(A) Every new or altered elevator, dumbwaiter, and escalator shall be inspected and tested in conformity with the applicable rules adopted by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board before the operating permit required by § 20-24-116 is issued.

(B) The inspections shall be made by a licensed elevator inspector in the employ of the ~~Division of Occupational and Professional Licensing Boards and Commissions~~ Department of Labor and Licensing or its authorized representative;

(2)(A) The owner or lessee of every existing passenger elevator or escalator shall cause it to be inspected within three (3) months, and the owner or lessee of every existing freight elevator and dumbwaiter shall cause it to be inspected within six (6) months after the effective date of the rules adopted by the board under § 20-24-107(a) and (b).

(B) However, the ~~division~~ department or its authorized representative, at its discretion, may extend the time specified in this subdivision (a)(2) for making inspections; and

SECTION 137. Arkansas Code § 20-24-113(a)(2), concerning inspection reports of elevators, dumbwaiters, and escalators, is amended to read as follows:

(2) For the inspections required by § 20-24-112(a)(2), the report shall include all information required by the department in order to determine whether the owner or lessee of the elevator, escalator, or dumbwaiter has complied with rules adopted by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board under § 20-24-107(a) and (b) that are applicable.

SECTION 138. Arkansas Code § 20-24-114 is amended to read as follows:
20-24-114. Additional inspections.

In addition to required inspections, the Department of Labor and Licensing or its authorized representative may designate a licensed inspector in its employ to make such additional inspections as may be required to enforce this chapter and the rules adopted by the ~~Elevator Safety Board~~ Code

Enforcement Licensing Board under § 20-24-107(a) and (b).

SECTION 139. Arkansas Code § 20-24-115(a)(1), concerning new construction, relocation, or alterations to elevators, dumbwaiters, and escalators, is amended to read as follows:

(a)(1) On and after the effective date of rules adopted by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board under § 20-24-107(a) and (b), detailed plans and specifications of the elevator, dumbwaiter, or escalator to be thereafter installed, relocated, or altered shall be submitted by the contractor, or in the absence of an installing contractor, by a person or the owner, to the Department of Labor and Licensing. An application for a construction or alteration permit on forms to be furnished or approved by the department shall be submitted at the same time.

SECTION 140. Arkansas Code § 20-24-116(c)(1), concerning operating permits, is amended to read as follows:

(c)(1) If the inspection report required by § 20-24-113 indicates failure of compliance with the applicable rules approved by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board under § 20-24-107 or with the detailed plans and specifications approved by the department or its authorized representative under § 20-24-115(d) and (e), the department or its authorized representative shall give notice to the owner or lessee or the person filing plans and specifications of changes necessary for compliance with the rules. After the changes have been made, the department or its authorized representative shall issue an operating permit.

SECTION 141. Arkansas Code § 20-24-119(a), concerning appeals relating to elevators, dumbwaiters, and escalators, is amended to read as follows:

(a) Any person aggrieved by an order or act of the Department of Labor and Licensing or its authorized representative under this chapter may, within fifteen (15) days after notice thereof, appeal from the order or act to the ~~Elevator Safety Board~~ Code Enforcement Licensing Board, which shall, within thirty (30) days thereafter, hold a hearing of which at least fifteen (15) days' written notice shall be given to all interested parties.

SECTION 142. Arkansas Code § 20-31-104(a), concerning statewide standards for electrical facilities and the performance of electrical work, is amended to read as follows:

(a) ~~Beginning January 1, 1992, the Board of Electrical Examiners of the State of Arkansas~~ The Code Enforcement Licensing Board is empowered to adopt rules to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work.

SECTION 143. Arkansas Code § 20-31-104(f), concerning the enforcement of statewide standards for electrical facilities and the performance of electrical work, is amended to read as follows:

(f) It shall be the duty of the ~~Division of Labor~~ Department of Labor and Licensing to administer and enforce this chapter.

SECTION 144. Arkansas Code § 20-31-105(c)(2), concerning penalties relating to the maintenance of electrical facilities or performance of electrical work, is amended to read as follows:

(2) To seek the suspension or revocation by the ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board of ~~any~~ an “electrical contractor”, a “master electrician”, a “journeyman electrician”, or an “industrial maintenance electrician” licensed under § 17-28-101 et seq. who is found to be in violation of this chapter.

SECTION 145. Arkansas Code § 25-15-104(a)(1)(F), concerning the subpoena powers of certain boards and commissions, is repealed:

~~(F) Committee of Plumbing Examiners, § 17-38-202;~~

SECTION 146. Arkansas Code § 25-15-104(a)(1)(H), concerning the subpoena powers of certain boards and commissions, is amended to read as follows:

(H) ~~HVACR Licensing Board, § 17-33-201 et seq.;~~ Code Enforcement Licensing Board, § 17-28-201 et seq., § 17-33-201 et seq., and § 20-24-101 et seq.;

SECTION 147. Arkansas Code § 25-16-903(17), concerning stipend

authorization for certain state boards, is amended to read as follows:

(17) ~~Board of Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing Board;

SECTION 148. Arkansas Code § 25-16-903(22), concerning stipend authorization for certain state boards, is repealed.

~~(22) Arkansas Fire Protection Licensing Board;~~

SECTION 149. Arkansas Code § 25-16-903(25), concerning stipend authorization for certain state boards, is repealed.

~~(25) HVACR Licensing Board;~~

SECTION 150. Arkansas Code § 25-16-903(51), concerning stipend authorization for certain state boards, is repealed.

~~(51) Committee of Plumbing Examiners;~~

SECTION 151. Arkansas Code § 25-16-903(54), concerning stipend authorization for certain state boards, is repealed.

~~(54) Elevator Safety Board;~~

SECTION 152. Arkansas Code § 25-43-802(a)(32), concerning state entities transferred to the Department of Health, is repealed.

~~(32) The Committee of Plumbing Examiners, created under § 17-38-202;~~

SECTION 153. Arkansas Code § 25-43-1102(a)(2), concerning state entities transferred to the Department of Labor and Licensing, is repealed.

~~(2) The Arkansas Fire Protection Licensing Board, created under § 20-22-606;~~

SECTION 154. Arkansas Code § 25-43-1102(a)(11), concerning state entities transferred to the Department of Labor and Licensing, is amended to read as follows:

(11) ~~The Board of Electrical Examiners of the State of Arkansas, created under § 17-28-201~~ The Code Enforcement Licensing Board, created under § 17-33-201;

SECTION 155. Arkansas Code § 25-43-1102(a)(14), concerning state entities transferred to the Department of Labor and Licensing, is repealed.

~~(14) The Elevator Safety Board under § 20-24-105;~~

SECTION 156. Arkansas Code § 25-43-1102(a)(15), concerning state entities transferred to the Department of Labor and Licensing, is repealed.

~~(15) The HVACR Licensing Board, created under § 17-33-201;~~

SECTION 157. DO NOT CODIFY. HVACR Class C license transfer.

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

SECTION 158. TEMPORARY LANGUAGE. DO NOT CODIFY. Transfer of funds.

(a) On the effective date of this act, all income, funds, revenue, and unexpended balances of appropriations and all revenue collected in connection with the performance of the powers, functions, and duties of an entity or a function transferred under this act to the Code Enforcement Licensing Board shall be transferred to the Code Enforcement Licensing Board Fund, including without limitation:

(1) Any fund repealed by this act;

(2) Any funds or the right to receive any funds of any entity or function transferred by this act to the Code Enforcement Licensing Board; and

(3) Any other revenue as may be authorized by law.

(b) Any appropriations authorized by the 95th General Assembly from the HVACR Licensing Fund and the Fire Protection Licensing Fund shall be deemed appropriated and payable from the Code Enforcement Licensing Board Fund.

SECTION 159. TEMPORARY LANGUAGE. DO NOT CODIFY. Transition provisions – Appointment of members of the Code Enforcement Licensing Board.

(a) Upon the effective date of this act, the Governor shall appoint all board member positions for the Code Enforcement Licensing Board, subject to confirmation by the Senate.

(b) Until at least seven (7) members of the board are duly appointed

and confirmed by the Senate, the Secretary of the Department of Labor and Licensing or his or her designee shall exercise the powers and duties assigned to the board, except that the hearing and adjudication of a complaint filed with the board shall be continued until a quorum of the newly constituted board may be assembled to hear and adjudicate the complaint.

SECTION 160. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act preserves the public peace, health, and safety as it will allow state government services to be provided in a more efficient and cost-effective manner; that the abolishment of certain boards and commissions and transfer of functions, powers, duties, property, funds, and funding sources as special revenues to the newly created Code Enforcement Licensing Board and Code Enforcement Licensing Board Fund should become effective on July 1, 2025, to coincide with the appropriation bills of the Department of Labor and Licensing and ensure that the Code Enforcement Licensing Board provides its expanded vital services as the transfer of duties is implemented and does not experience any issues with funding under the transfer of duties. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2025.