

**Title 17. Professions, Occupations, and Businesses**  
**Chapter XI. Department of Health, State Board of Health, Generally**  
**Subchapter A. Generally**  
**Part 50. Rules Pertaining to Septic Tank Cleaners**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"AUTHORITY

The following Rules Pertaining to Septic Tank Cleaning Operations Within the State of Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the laws of the State of Arkansas including, Act 71 of 1973 as amended (Ark. Code Ann. § 17- 45-101-105) and Act 96 of 1913 (Ark. Code Ann. § 20-7-101, et seq.)."

"SECTION IX. SEVERABILITY.

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION X. REPEAL

All Rules and parts of Rules in conflict herewith are hereby repealed."

**Subpart 1. Generally**

**17 CAR § 50-101. Definitions.**

For the purpose of this part, the following terms are defined:

(1) "Approved" means acceptable to the Department of Health following a determination of compliance with appropriate public health and environmental standards;

(2) "Authorized agent" means the Environmental Health Specialist assigned to the county by the Department of Health;

(3) "Automatic licensure" means the granting of the occupational licensure without an individual having met occupational licensure requirements provided:

(A) Under the Arkansas Code; or

(B) By other provisions in this part;

(4) "Automatic occupational licensure" means the granting of occupational licensure to an applicant who establishes residency within this state without the individual's having met occupational licensure requirements:

(A) Under Title 17 of the Arkansas Code; or

(B) By this part;

(5) "Bound record" means a tamper resistant book with numbered, non-removable pages with entries made with indelible ink;

(6) "The Department" means the Department of Health or its authorized agent;

(7) "Equipment" means all tanks, devices, tools, and implements used in the cleaning or pumping of:

(A) Septic tanks;

(B) Holding tanks;

(C) Marine sanitation devices;

(D) Portable toilets; or

(E) Other sewage handling facilities;

(8) "Holding tank" means a septic tank, marine sanitation device, portable toilet, or other device used for the temporary storage of untreated human waste;

(9) "Land application" means a method of septage disposal utilizing either:

(A) Surface spreading;

(B) Subsurface injection;

(C) Burial; or

(D) Other process approved by the Department of Health;

(10) "Licensee" means the licensed owner or operator of a business, firm, or corporation engaged in the business of:

(A) Cleaning:

(i) Septic tanks;

(ii) Marine sanitation devices; or

(iii) Portable toilets; and/or

(B) Transporting of septage or sewage;

(11) "Marine sanitation device" means any device on board a vessel designed to retain, treat, or discharge human body waste;

(12) "Portable toilet" means any equipment used to receive and retain human waste prior to its delivery to a sewage treatment facility;

(13) "Pumper vehicle" means any truck, trailer, boat, tank, or combination thereof used to transport septage or sewage;

(14) "Scum" means the partially submerged mat of floating solids that forms at the surface of septic tanks or sewage handling facilities;

(15) "Septage" means the liquid, scum, and sludge from a septic tank or sewage handling facility excluding biosolids from a municipal or publicly owned treatment facility;

(16) "Septic tank cleaner" means any person, firm, corporation, or association that cleans septic tanks, marine sanitation devices, or portable toilets, or transports septage or sewage within the State of Arkansas;

(17) "Sewage" means the contents of holding tanks, marine sanitation devices, portable toilets, or other tanks used for the storage of human waste;

(18) "Sludge" means the accumulation of settled, solid material in the bottom of a septic tank or sewage handling facility.

(19) "Uniformed service member" means an:

(A) Active or reserve component member of the:

(i) United States Air Force;

- (ii) United States Army;
- (iii) United States Coast Guard;
- (iv) United States Marine Corps;
- (v) United States Navy;
- (vi) United States Space Force; or
- (vii) National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(20) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

**Authority.** Arkansas Code § 17-45-102.

**17 CAR § 50-102. Compliance.**

No person, firm, corporation, partnership, or association shall be engaged in the business of septic tank cleaning or the transportation of septage or sewage for compensation unless they are in compliance with this part.

**Authority.** Arkansas Code § 17-45-102.

**17 CAR § 50-103. Equipment specifications.**

**(a) Tanks.**

(1)(A) The minimum tank size for tank pumper vehicles is one thousand (1000) gallons.

(B) Portable toilet cleaning vehicles and marine cleaning vessels are exempt from the one thousand (1000) gallon minimum size requirement.

(2) All tanks used for the transportation of septage or sewage shall be constructed of metal throughout that is:

- (A) Welded;
- (B) Water tight; and
- (C) Splash-proof.

(3) The firm or owner's name, license number, and the capacity of the tank shall be shown conspicuously on each side of the tank in letters at least four inches (4") in height.

(4) A gauge or measuring device shall be provided on each tank to adequately measure the contents of the tank at varying depths.

(5) Before the initial licensing, a certified weight slip shall be filed with the Department of Health showing the weight of the empty tank and the weight of the tank when full of water.

(6) Any changes or modifications to the tank shall require the submission of current weight slips to the department.

**(b) Pumps.**

(1) Pumps utilized for cleaning septic tanks or sewage treatment facilities shall be adequate to lift the scum, sludge, and liquid contents of the septic tank into the tank pumper vehicle.

(2) Pumps shall be so constructed that there is no leakage, spillage, or splashing onto the outer surfaces of the tank or equipment.

(3) A tight metal hood shall be provided over the pump on all diaphragm or similar types of open pumps.

(c) **Valves.** A leak-proof gate valve with a minimum of two and one-half inches (2 1/2") in size shall be provided on each tank for the discharge of the contents while being emptied.

**(d) Hoses.**

(1)(A) A discharge hose compatible with the discharge valve shall be provided for each vehicle.

(B) This hose shall have sufficient length to discharge into a manhole or near the ground surface when land application is utilized.

(2) The hoses used to pump the contents of septic tanks or holding tanks shall:

(A) Be of an adequate length; and

(B) Have the proper fittings to preclude spillage or leakage.

(e) **Racks.**

(1) All racks used for the carrying of equipment on the vehicle shall be made of metal.

(2) All parts of the truck and equipment shall be easily cleanable.

(3) No pockets shall be permitted where accumulation of septage or sewage may result.

(f) **Marine cleaning vessels.**

(1) Vessels designed and licensed to pump and transport marine wastes shall be equipped with a welded, leak-proof and splash-proof tank constructed of metal or other approved material.

(2) All hoses, valves, and fittings shall be designed and used in a manner that prevents the leakage or spillage of marine wastes into the environment.

(3) Each marine cleaning vessel shall be equipped with or provided with the necessary pumps, hoses, valves, fittings, and other devices necessary to transfer the marine wastes to the land vehicle or facility where the marine wastes will be transported to the receiving sewage treatment plant.

(g) **Portable toilet cleaning vehicles.**

(1) Vehicles used for the cleaning and maintenance of portable toilets shall be equipped with a welded, leak-proof, and splash-proof metal tank for the transport of waste to the receiving treatment facility.

(2) The vehicle shall also be equipped with separate tanks for wash down solution and disinfectant.

(3) Additionally, each portable toilet cleaning vehicle shall be provided with the hoses, brushes, and other equipment necessary to clean, service, and sanitize portable toilets.

**Authority.** Arkansas Code § 17-45-102.

**17 CAR § 50-104. Disposal.**

(a)(1) The disposal of sewage or septage by any method that violates any state or federal law or regulation is strictly prohibited.

(2) The wastes from holding tanks, portable toilets, and marine sanitation devices shall not be land applied.

(3) These wastes shall be disposed of in a permitted and properly operated sewage treatment facility.

**(b) Land application disposal sites.**

(1) The land application of septage at any site not previously inspected, approved, and on file with the Department of Health shall be a violation of this part.

(2) To obtain approval for land application of septage, each site shall be inspected by an authorized agent prior to licensing.

(3) A notarized statement from the landowner granting permission for the land application of septage shall be obtained for each disposal site.

(4) The licensee shall furnish a legal description, topographical map, and vicinity map for each disposal site.

(5) The maps shall reflect pertinent information pertaining to the number of acres, GPS coordinates, the location and distance to property lines, nearby homes, roads, ditches, wells, utilities, gullies, streams and land use (cropland, pastures, etc.) relevant to septage disposal.

(6) Every five (5) years, the department will assess approved land application sites and obtain soil samples to verify compliance with this part.

**(c) Proper septage disposal at land application sites.**

(1)(A) Septage shall be evenly distributed across the site in a manner that prevents surface runoff, ponding, or the accumulation of septage more than one inch (1") in depth.

(B) To achieve even distribution, the vehicle applying the septage shall:

(i) Remain in motion; and

(ii) Utilize a splash plate or other approved method of dispersal.

(2) There shall be no disposal within:

(A) One thousand feet (1000') of any place of habitation;

(B) Five hundred feet (500') of any public road;

(C) One hundred feet (100') of any rock outcrops or sinkholes;

(D) Fifty feet (50') of property lines; and

(E) One hundred feet (100') of:

(i) Streams;

(ii) Lakes;

(iii) Ponds;

(iv) Springs;

(v) Wells; or

(vi) Water supplies.

(3) Options for the land application of septage include:

(A) The pH of the septage shall be raised to a minimum of twelve (12) or higher by the addition of an alkali such as hydrated lime or quick lime, and without adding more alkali, the septage shall remain at a pH of twelve (12) or higher for not less than thirty (30) minutes prior to being land applied;

(B)(i) Septage shall be injected below the surface of the soil.

(ii) When septage is injected below the surface of the soil, no significant amount of septage shall be present on the surface of that soil after one (1) hour; or

(C)(i) Septage shall be evenly spread over the surface of the soil and incorporated into the surface of that soil within six (6) hours of application.

(ii) Septage shall not be applied in excess of the below described annual application rates for nitrogen and phosphorus.

(4) During any three hundred sixty-five-day period, the amount of domestic septage applied to a land application site shall not exceed the annual application rate calculated using the equation  $AAR = N \div 0.0026$ , where:

(A) "AAR" means the annual application rate in gallons per acre per three hundred sixty-five-day period; and

(B) "N" means the amount of nitrogen in pounds per acre per three hundred sixty-five-day period needed by the crop or vegetation grown.

(5) Annual septage land application shall not:

(A) Exceed the phosphorus rates for the crop or vegetation grown; and

(B) Be applied in rates that result in phytotoxicity.

(6) The septage being land applied shall:

(A) Be screened; and

(B) Contain no paper, plastic, or other solid material measuring more than one-half inch (1/2") in any dimension.

(7) Grease and/or the contents of grease traps shall not be disposed of at any land application site approved under this part.

(8) Sites demonstrating a slope of fifteen percent (15%) or greater are not suitable for land application.

(9) Land application shall be avoided when:

(A) The soil is saturated, frozen, covered with snow, during rainy weather;

or

(B) Precipitation is in the immediate forecast.

(10) Licensees utilizing land application sites only for the disposal of septage must have available a storage tank sufficient to store the septage collected during periods when climatic conditions preclude land application.

(11) These tanks shall be provided with a spill containment berm.

(12)(A) Food crops with harvested parts above the ground surface shall not be harvested for fourteen (14) months after the last application of septage.

(B) Food crops with harvested parts that are at or below the ground surface shall not be harvested for thirty-eight (38) months after the last application of septage.

(C) At approved application sites:

(i) Human contact shall be restricted for thirty (30) days after application; and

(ii) No grazing or harvesting of hay, silage, or grain shall commence for sixty (60) days.

(13)(A) For each land application site, the licensee shall maintain a permanent, bound site application record indicating:

(i) Each application of septage;

(ii) The volume of septage applied;

(iii) The date it was applied;

(iv) The crop to which it was applied;

(v) A description of the vector and pathogen reduction method used;

(vi) The method of land application used; and

(vii) The name of the person applying the septage.

(B) These records shall be:

(i) Kept for a minimum of five (5) years; and

(ii) Made available to both state and federal regulators on request.

**(d) Disposal into sewage treatment systems.**

(1) A current contract with each sewer improvement district and/or sewage treatment facility where the licensee disposes of sewage and/or septage shall be on file with the department.

(2) The disposal of sewage or septage at a site or facility not on file with the department is a violation of this part.

**(e) Disposal of holding tank, marine sanitation device, and portable toilet contents.**

(1) The contents of holding tanks, marine sanitation devices, and portable toilets:

(A) Is considered untreated sewage; and

(B) Shall not be land applied under any circumstances.

(2) The only acceptable means of disposal for these wastes is into a public sewer system with which the licensee has a contract.

**Authority.** Arkansas Code § 17-45-102.

**Codification Notes.** "GPS" means Global Positioning System.

**17 CAR § 50-105. Licensee responsibilities.**

(a) The licensee shall pass an examination as prescribed by the Department of Health which will reflect the licensee's knowledge in the areas of:

- (1) Diseases transmitted by septage and sewage;
- (2) Vector and pathogen reduction;
- (3) Applicable federal and state laws;
- (4) Stream pollution;
- (5) Land application; and
- (6) Permitting requirements.

(b) The licensee shall be responsible for the actions of his or her employees, partners, associates, and co-owners regarding:

- (1) Septic tank cleaning; and
- (2) The proper disposal of septage and sewage.

(c)(1) Each licensee shall be responsible for displaying on each licensed vehicle a decal issued by the department at the initial licensing.

(2) This decal shall be located on the tank of the pumper vehicle adjacent to the:

- (A) Firm or owner's name;
- (B) License number; and
- (C) Tank capacity.

(3) When the annual relicensing requirements are met, renewal decals will be issued by the department.

(d)(1) The annual license fee is twenty-five dollars (\$25.00).

(2) Licenses shall be issued with an effective date of July 1 of each year and will expire one (1) year from the effective date.

(3) In addition to the annual license fee, an annual fee of twenty-five dollars (\$25.00) will be charged for every pumper vehicle above the first vehicle owned by the licensee or the business.

(e)(1) Applications for renewal shall include:

- (A) Current inspection reports for each pumper vehicle;
- (B) Notarized permission statements from all receiving landowners; and
- (C) Contracts with all sewer improvement districts and treatment facilities where sewage and/or septage will be disposed.

(2) Renewal applications shall be submitted to the department by July 1 of each year.

(3) The renewal request shall include any equipment changes or modifications made to pumper vehicles during the previous license period.

(f)(1) The annual vehicle inspection shall be conducted by the authorized agent in the county of the licensee's or firm's residence or place of business.

(2) Inspection of each pumper vehicle shall be conducted with the tank filled.

(3) The required equipment shall be inspected at this time.

(4) The owners of pumper vehicles that are located outside of Arkansas shall:

(A) Contact the authorized agent of the nearest or most conveniently located Arkansas county; and

(B) Arrange a time and place for inspection.

(g) The owner or employee of a business licensed under this part shall, upon performing any work for which compensation is received, place his or her name and the number of the license issued to the business on the customer's receipt.

(h)(1) Each pumper vehicle shall maintain and have on board a bound service record listing the:

(A) Operator's name;

(B) Date and location of each septic tank;

(C) Treatment plant;

(D) Holding tank;

(E) Marine sanitation device;

- (F) Portable toilet, or other sewage handling facility pumped;
- (G) Vector and pathogen reduction method used; and
- (H) Date and location of disposal.

(2) Other methods of recordkeeping will be considered on a case-by-case basis.

**Authority.** Arkansas Code §§ 17-45-102, 17-45-103.

**17 CAR § 50-106. License required.**

(a)(1) No person, firm, corporation, partnership, or association shall engage in the business of septic tank cleaning or the transportation of septage, sewage, or sludge for compensation without a valid license as provided herein.

(2) Proceedings regarding a license shall be conducted pursuant to the Department of Health's rules of administrative procedure.

(3) No part of this part authorizes a licensee or any of his or her assigns to construct, repair, or modify an individual sewage system without that person first obtaining a valid Septic Tank Cleaner's License.

(b)(1) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(2) Eligible applicants are applicants who:

(A) Are receiving assistance through the:

(i) Arkansas, or current state of residence equivalent, Medicaid Program;

(ii) Supplemental Nutrition Assistance Program (SNAP);

(iii) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);

(iv) Temporary Assistance for Needy Families Program (TEA); or

(v) Lifeline Assistance Program (LAP);

(B) Were approved for unemployment within the last twelve (12) months;

or

(C) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(c)(1) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency.

(2) For Medicaid, SNAP, WIC, TEA, or LAP, documentation from the Department of Human Services or current state of residence equivalent agency.

(3) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency.

(4) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W-2, 1099, etc.

(d) Applicants shall attest that the documentation provided under subsection (c) of this section is a true and correct copy, and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

**Authority.** Arkansas Code § 17-45-102.

**17 CAR § 50-107. Reciprocity and licensure — Arkansas Code §§ 17-1-108(c) and (d)(1)(A) — Arkansas Code § 17-1-106.**

**(a) Required qualifications.**

(1) An applicant applying for reciprocal licensure shall meet the following requirements.

(2)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas license if the other state's licensure qualifications require:

(i) The applicant shall hold his or her occupational licensure in good standing;

(ii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics; and  
(iii) The applicant shall not hold a suspended or probationary license in a United States jurisdiction.

**(3) Required documentation.**

(A) An applicant shall submit a fully executed application, the required fee, and the documentation described below.

(B) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

(i)(a) Evidence of current and active licensure in that state.

(b) The Department of Health may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and

(ii)(a) Evidence that the other state's licensure requirements match those listed in this subsection.

(b) The department may verify this information online or by telephone to the other's state's licensing group.

(C)(i) To demonstrate that the applicant meets the requirements in this subsection the applicant shall provide the department with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant:

(1) Has not had his or her license revoked for the reasons listed in this subsection; and

(2) Does not hold a license on suspended or probationary status as described in this subsection.

(ii) The department may verify this information:

(a) Online, if the jurisdiction at issue provides primary source verification on its website; or

(b) By telephone to the other state's licensing department.

**(b) Temporary and provisional license.**

(1)(A) The department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under this section.

(B) The temporary and provisional license shall be effective for least ninety (90) days or until the department makes a decision on the application, unless the department determines that the applicant does not meet the requirements in the reciprocity subdivisions in this section in which case the provisional and temporary license shall be immediately revoked.

(2) An applicant may:

(A) Provide the rest of the documentation required above in order to receive a license; or

(B) Only provide the information necessary for the issuance of a temporary and provisional license.

(3) License for person from state that does not license profession, Acts 2019, No. 1011, Arkansas Code § 17-1-108(d)(2).

**(4) Required documentation.**

(A) An applicant shall submit a fully executed application, the required fee, and the documentation described below.

(B) Passing the required test for Septic Tank Cleaner.

**(5) Reciprocity and state-specific education — Acts 2019, No. 1011, Arkansas Code § 17-1-108(d)(3).** The department shall require an applicant to take the test if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in Arkansas Code § 17-1-108.

(6) Reciprocity in another state will be considered similar to reciprocity under Arkansas Code § 17-1-108 if the reciprocity provisions in the other state:

(A) Provide the least restrictive path to licensure for Arkansas applicants;

(B) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new

professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure; and

(C) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in Arkansas Code § 17-1-108.

**(c) Prohibiting criminal offenses.**

(1) An individual is not eligible to receive or hold a license issued by the department if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless:

(A) The conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(2) The department may grant a waiver as authorized by Arkansas Code § 17-3-102 in certain circumstances.

(3)(A) The department is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license.

(B) Any applicant or licensee who provides false information to the State Board of Health regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

**(d) Prelicensure prohibiting offense determination.**

(1) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether:

(A) The individual's criminal record will disqualify the individual from licensure; and

(B) A waiver may be obtained.

(2) The individual must obtain the preclearance criminal background check petition form from the department.

(3) The department will respond with a decision in writing to a completed petition within a reasonable time.

(4) The department response will state the reason or reasons for the decision.

(5) All decisions of the department in response to the petition will be determined by the information provided by the individual.

(6) Any decision made by the department in response to a preclearance criminal background check petition is not subject to appeal.

(7) The department will retain a copy of the petition and response and it will be reviewed during the formal application process.

(8) An individual is not eligible to receive or hold a license issued by the department if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was:

(A) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(9) The department may grant a waiver as authorized by Arkansas Code § 17-3-102 in certain circumstances.

(10) The department is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license.

(11) Any applicant or licensee that provides false information to the State Board of Health regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

**(e) Uniformed service members licensure under Acts 2021, No. 135.**

(1) **Applicability.** This subsection applies to:

(A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; and

(C) The spouse of subdivision (e)(1)(A) or (e)(1)(B) of this section including a uniformed service member who is:

(i) Assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or

(ii) Killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(2) **Automatic licensure.** Automatic licensure shall be granted to persons listed in subdivision (e)(1)(A) of this section if the person:

(A) Is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and

(B) Pays the licensure fee in 17 CAR § 50-105(d).

(3) **Credit toward initial licensure.** Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

(4) **Expiration dates.** A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(f) **Automatic Occupational Licensure for Out-of-State Licensure Act, Acts 2023, No. 457.**

(1) The applicant is either:

(A) In good standing for at least one (1) year for a Septic Tank Cleaner License with similar scope of practice issued by another state, territory, or district of the United States; or

(B) Has worked for at least three (3) years in the septic tank cleaner occupation in another state, territory, or district of the United States that does not use a Septic Tank Cleaner Licensure to regulate the septic tank cleaner occupation for which the applicant is applying;

(2) The applicant does not have a disqualifying criminal offense under Arkansas Code § 17-3-102 or under any additional state law relating to the Septic Tank Cleaner Licensure;

(3) The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the Septic Tank Cleaner Licensure was granted;

(4) The applicant passes an examination specific to relevant state laws that regulate the septic tank cleaner occupation.

(5) The department may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the septic tank cleaner occupation if the department finds that:

(A) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and

(B) A waiver by the department will not harm public:

(i) Health;

(ii) Safety; or

(iii) Welfare.

(6) Upon the applicant being granted automatic occupational licensure, the applicant shall:

(A) Meet all other Septic Tank Cleaner Licensure requirements; and

(B) Meet all renewal requirements of the Septic Tank Cleaner Licensure, including, without limitation, a criminal background check.

**Authority.** Arkansas Code § 17-45-102.

### **17 CAR § 50-108. Penalties.**

(a) Every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board.

(b) The penalty shall not exceed one thousand dollars (\$1,000) for each violation.

(c) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

**Authority.** Arkansas Code §§ 17-45-102, 20-7-101.