

Title 17. Professions, Occupations, and Businesses

Chapter XI. Department of Health, State Board of Health, Generally

Subchapter B. Plumbing

Part 66. Plumbing Rules Generally

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

"PROMULGATED UNDER THE AUTHORITY OF ARK. CODE ANN. §17-38-101, et seq."

"(a) Authority:

The following Rules are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 96 of 1913, as amended, and Act 200 of 1951, as amended by Act 372 of 1957, Act 555 of 1963, Act of 1973, Act 902 of 1975, Act 816 of 1987, Acts 330 & 1293 of 1991, Acts 1217 of 2003, 248 of 2017, Act 426 of 2019, Act 820, 2019 and Act 1011 of 1991."

"Effective Date:"

"SECTION XII. SEVERABILITY

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

"SECTION XIII. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed."

"SECTION XIV. CERTIFICATION

This will certify that the foregoing Rules Pertaining to Master, Journeyman and Restricted Plumber Licenses, Fees, Expirations, and Qualifications were adopted by the State Board of Health on the _____ day of _____, 2024.

Secretary of Health
Arkansas Department of Health"

Subpart 1. Rules Pertaining to Master, Journeyman, and Restricted Plumber Licenses, Plumbing and Gas Inspector Licenses, Restricted Hospital Maintenance, Water and Sewer Service Line Installations

17 CAR § 66-101. Purpose and definitions.

(a) Purpose.

(1)(A) The State Board of Health, by rule and after public hearing, may set reasonable license or examination fee for all licenses called for under Acts 1951, No. 200, as amended, including but not limited to Master Plumber License, Journeyman Plumber License, and Apprentice Plumber License registration.

(B) It may, among other things:

(i) Issue restricted licenses; and

(ii) Adopt rules defining restrictions in the type of work allowed, geographical area served, and term of that type of restricted license.

(2) Restricted plumber licenses are limited to gas fitter, governmental maintenance, service line installation, solar mechanic, and hospital maintenance licenses provided that the applicant has demonstrated competency for the particular phase of plumbing for which the person is licensed.

(b) Definitions. As used in this part:

(1) "Administrative authority" means the individual official, board, department, or agency established and authorized by the state, county, city, or other political

subdivision to administer and enforce the provisions of Acts 1951, No. 200, as adopted or amended;

(2) "Apprentice plumber" means a person other than a master, journeyman, or restricted plumber license holder who is registered under an Arkansas master plumber and enrolled in the apprentice plumber training program outlined in Arkansas Code § 17-38-401 et seq.;

(3) "Automatic licensure" means granting occupational licensure to individuals who establish residency in this state and qualify under the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, Arkansas Code § 17-4-101 et seq., 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 in this state without the individual's having met occupational licensure requirements provided:

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

(B) By this part;

(5) "Committee of Plumbing Examiners" means the persons designated by the State Board of Health to determine eligibility of applicants for various types of plumbing and gas licenses in accordance with Acts 1951, No. 200, as amended;

(6) "Department" means the Plumbing and Natural Gas Section of the Department of Health;

(7) "Department-accredited training program for backflow prevention assembly testing" means a forty-hour course of classroom, including but not limited to related plumbing codes and wet lab training approved by the Plumbing and Natural Gas Section, followed by an examination;

(8) "Gas inspector" means an appointed person qualified for inspecting all aspects of natural gas installation as defined under Acts 1951, No. 200, as amended;

(9) "Gas utility" means a firm or corporation engaged in the distribution of natural gas, manufactured gas, and/or a mixture of natural gas and manufactured gas, delivered to the consumer through a system of distribution piping;

(10) "Gas utility serviceperson" means an employee of a gas utility specially trained for gas service work with the utility;

(11) "Hospital maintenance plumber" means a hospital employee other than a supervising hospital maintenance plumber who is engaged in practical hospital maintenance plumbing under supervision;

(12) "Hospital maintenance plumbing" means the repair and/or replacement of potable water piping, natural gas piping, fixtures, appliances, and appurtenances in connection with the water supply, sanitary drainage, or gas systems of:

(A) A hospital;

(B) Convalescent facilities; or

(C) Both;

(13) "Hospital maintenance trainee" means a hospital employee who is engaged in learning, acquiring experience, and assisting licensed hospital maintenance plumbers in order to become a hospital maintenance plumber;

(14) "Journeyman plumber" means any person other than a master plumber who is engaged in the practical installation of plumbing;

(15) "Master plumber" means any person:

(A) Skilled in the planning, superintending, and practical installation of plumbing; and

(B) Who is familiar with the laws and rules governing the same;

(16) "Plumbing inspector" means an appointed person qualified for inspecting all aspects of sanitary plumbing and natural gas installation as defined under Acts 1951, No. 200, as amended;

(17) "Restricted plumber" means a person qualified and licensed in a special phase of plumbing only, providing that such person has demonstrated competency for that particular phase of plumbing;

(18) "Restricted water and sewer service line installation plumber" means a person who has:

(A) Met the qualification for a restricted plumbing license to install potable water and/or sanitary sewer service lines as defined in the 2018 Arkansas Plumbing Code, 17 CAR pt. 65; and

(B) Successfully passed the examination for such license in this state;

(19) "State-certified backflow prevention assembly testing technician" or "testing and repair technician" means any person meeting all the applicable certifications to test or test and repair backflow devices within the scope of a plumbing system;

(20) "Substantially similar" means an occupational licensing entity of another state or political subdivision of that state or territory or district of the United States that:

(A) Has adopted a national model plumbing and/or gas code; and

(B) Utilizes a comprehensive examination created and proctored by a national examination agency or equivalent;

(21) "Supervising hospital maintenance plumber" means a hospital employee:

(A) Skilled in the planning, superintending, and practical work involved with hospital maintenance plumbing;

(B) Who is familiar with all laws and rules pertaining to such plumbing;

and

(C) Who is responsible for such work in the hospital where they are employed;

(22) "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) An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

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

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-102. Qualifications.

(a) Master, journeyman, and restricted plumber qualifications.

(1) An applicant for the:

(A) Master plumber examination shall have a minimum of five (5) years' experience; and

(B) Journeyman plumber examination licensing shall have a minimum of four (4) years' experience or its equivalent.

(2)(A) The Committee of Plumbing Examiners shall approve an applicant for master or journeyman or restricted plumber examination provided that the applicant is currently licensed as a master or journeyman plumber or restricted plumber in another state or political subdivision of that state or territory or district of the United States with which the committee has no reciprocity and whose plumbing laws and codes are substantially similar to those of the State of Arkansas and:

(i) Holds his or her occupational licensure in good standing;

(ii) Has not had his or her occupational licensure revoked for an act of bad faith or a violation of law, rule, or ethics, and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(iii) Is sufficiently competent in his or her field; and

(iv) Pays the required license fee.

(B) In no case shall apprenticeship, education, or training be a prerequisite or condition for reciprocal licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(3)(A) The committee may approve an applicant under the following conditions for master or journeyman plumber or restricted plumber examination that is not currently licensed in another state or its political subdivision or territory or district of the United States and who has no plumber licensing background, provided the applicant shows proof of experience as a plumber as outlined in subdivision (a)(1) of this section:

- (i) Is sufficiently competent in his or her field; and
- (ii) Pays the required license and application fee.

(B) The committee shall use the least restrictive requirements by allowing the licensing candidate to show proof of experience in the form of records, affidavits, or bona fide evidence from:

- (i) Current or former employers; or
- (ii) Persons who can attest to the applicant's work background as a plumber.

(4) The committee shall consider an apprentice plumber for the journeyman plumber examination provided the apprentice plumber has successfully completed the training as defined under the Arkansas plumber apprenticeship rules of apprenticeship as required in Arkansas Code § 17-38-409.

(5) The committee may consider applicants for master plumber examination who are professional engineers with special expertise in plumbing engineering.

(6)(A) Individuals applying for and obtaining a Journeyman Plumber License must hold that license for one (1) full year before becoming eligible for the master plumber examination.

(B) In cases of extreme hardship, the committee may waive the one (1) year requirement in whole or in part.

(7) Applicants for both the Arkansas Backflow Preventer Assembly Repair and Tester Certificate of Competency shall:

- (A) Be competent; and

(B) Possess the necessary skills to perform the functions related to the license for which they are applying.

(8) Applicants for the State Backflow Prevention Assembly Testing Technician Certification shall:

(A) Have successfully completed a department-accredited training program for backflow prevention assembly testing; or

(B) Produce documentation of training in a program that is substantially similar to a department-accredited training program for backflow prevention assembly testing, and hold a current substantially similar license in another state.

(9) Applicants for the State Backflow Prevention Assembly Repair Technician Certification shall hold a current Arkansas Backflow Prevention Assembly Testing Technician Certification and shall:

(A) Have successful completed a department-accredited training program for backflow prevention assembly repair; or

(B) Produce documentation of training at a program that is substantially similar to a department-accredited training program for backflow prevention assembly repair and hold a current, substantially similar license in another state.

(10)(A) Applicants shall be current on all required continuing education related to the license for which they are applying.

(B) Documentation of current certification or recertification is required.

(11) Applicants are responsible for providing all required documents.

(b) Eligibility for certification as plumbing inspector or gas inspector.

(1) Any duly appointed plumbing inspector, assistant plumbing inspector, or gas inspector, when such appointment is made by the state or by any county, city, or town having authority over a system of either water, sewer, or natural gas utility or a combination of utilities, or by any water district, water association, sewer district, or sewer association or any water or gas utility shall be eligible for certification by the Plumbing and Natural Gas Section.

(2) Any other persons determined to be eligible for certification by the committee.

(c) **Qualifications for plumbing inspector and natural gas inspector.** In order to be examined for a Certified Plumbing Inspector, Natural Gas Inspector, or both, an applicant must be:

(1) Able to read and write;

(2) Currently employed as a plumbing inspector by:

(A) A city, town, county, or other municipality within the State of Arkansas having authority over a system of either water, sewerage, or natural gas utility or a combination of utilities that has adopted or is adopting the 2018 Arkansas Plumbing Code, 17 CAR pt. 65, by rule or ordinance; or

(B) Any water district, water association, sewer district, sewer association, or any water or natural gas utility; and

(3) Competent to perform the required duties.

(d) **Examinations for certification as plumbing inspector or gas inspector.**

(1) Examinations for certification as plumbing inspector or gas inspector will be given on an as-needed basis by the Plumbing and Natural Gas Section at various times and places.

(2) The examination will cover the 2018 Arkansas Plumbing Code and Arkansas Gas Pipeline Code for Design, Construction, Operation, Inspection, and Maintenance of Natural Gas Systems, 23 CAR pt. 451.

(3) A score of seventy percent (70%) or greater is considered a passing score.

(e) **Qualifications for Restricted Hospital Maintenance Plumber's License.**

(1) The applicant for a Restricted Hospital Maintenance Plumber's License shall produce evidence of his or her training and experience in the phase of plumbing for which they are requesting a license.

(2) Applicants for a Restricted Supervising Hospital Maintenance Plumber's License shall have a minimum of five (5) years' hospital maintenance plumbing experience or its equivalent, one (1) year as a licensed restricted hospital maintenance plumber.

(3) Applicants for a Restricted Hospital Maintenance Plumber's License shall have served four (4) years as a registered restricted hospital maintenance plumber trainee.

(4) Restricted hospital maintenance plumber trainees shall register with the Plumbing and Natural Gas Section in order to record the training and experience gained under the restricted supervising hospital maintenance plumber.

(f) Examinations for Restricted Hospital Maintenance Plumber's License.

(1) All applicants shall be examined by the Plumbing and Natural Gas Section to determine competency to perform as a restricted hospital maintenance plumber and on the rules that may affect their operation.

(2) All applicants shall be examined on the basis of competency:

- (A) In the restricted phase of plumbing they may be performing; and
- (B) In laws and rules that may affect their operation.

(g) Qualifications for Restricted Water and Sewer Service Line Installation Plumber's License. The applicant for Restricted Water and Sewer Service Line Installation Plumber's License shall produce evidence of his or her qualifications, training, and experience in the phase of plumbing for which they are requesting a license.

(h) Examinations for Restricted Water and Sewer Service Line Installation Plumber's License. All applicants shall be examined by the Plumbing and Natural Gas Section to determine competency to perform as a restricted water and sewer service line installation plumber and on the 2018 Arkansas Plumbing Code, laws, and rules applicable to his or her phases of plumbing licensure unless eligible for reciprocity.

(i) Qualifications for licensure under the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, And Spouses Act of 2021, Arkansas Code § 17-4-101 et seq.

(1) **Applicability.** This part 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 or subdivision (i)(1)(A) or (i)(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 (i)(1) 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 applicable licensure fee in 17 CAR § 66-103 unless eligible for fee exemption through Acts 2021, No. 725.

(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 and continuing education.**

(A) 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.

(B) A uniformed service member or spouse shall be exempt from any applicable continuing education or recertification requirements for backflow prevention assembly testing and repair technicians and plumbing and gas inspectors for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(C) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of any applicable continuing education within the one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(j) Reciprocal licensing.

(1) The committee, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding plumber licensing.

(2) An applicant applying for reciprocal licensure shall meet the following requirements:

(A) The applicant shall hold a plumber's license in another United States jurisdiction that is substantially similar to an Arkansas plumber's licensure requirements as established by this part;

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

(C) The applicant shall not have had a license revoked for an act of bad faith or a violation of:

(i) Laws;

(ii) Rules; or

(iii) Ethics;

(D) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(E) The applicant shall be sufficiently competent in plumbing and natural gas installations.

(3) The committee shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(A) Examinations shall not be required; and

(B) Apprenticeship, education, or training shall not be required as a prerequisite to licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(4)(A) An applicant shall submit:

(i) A completed application;

(ii) The required fee; and

(iii) 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) Copy of plumber's license from the other jurisdiction or jurisdictions; and

(ii)(a) Completion of required forms from the other jurisdiction or jurisdictions showing the candidate's licensing status including:

(1) Suspensions and revocations;

(2) Types of examinations administered; and

(3) Types of plumbing and gas codes used.

(b) The committee may use online or telecommunications to the other licensing jurisdiction for verification of information.

(iii)(a) Candidates shall also be required to submit:

(1) The names of all states in which the candidate is either currently or has been previously licensed; and

(2) Confirmation that the license is in good standing.

(b) The committee has the authority to verify candidate licensing information.

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

(1) This subsection shall not apply to any applicant who held a license that is the subject of a reciprocal agreement between another state and the Department of Health.

(2) An applicant shall be eligible for automatic occupational licensure if:

(A) The applicant has established residency in Arkansas and is either:

(i) In good standing for at least one (1) year for a Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, or Water and Sewer Service Line Installation Plumber's License with similar scope of practice issued by another state, territory, or district of the United States; or

(ii) Has worked for at least three (3) years in the master, journeyman, and restricted plumbing, plumbing and gas inspector, restricted hospital maintenance plumbing, and/or water and sewer service line installation occupations in another state, territory, or district of the United States that does not use a Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, and Water and Sewer Service Line Installation Plumber's Licensure to regulate the master, journeyman, and restricted plumbing, plumbing and gas inspector, restricted hospital maintenance plumbing, and water and sewer service line installation occupations for which the applicant is applying;

(B) The applicant does not have a disqualifying criminal offense under Arkansas Code § 17-3-102 or under any additional state law relating to the Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, or Water and Sewer Service Line Installation Plumber's Licensure;

(C) 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 Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, and/or Water and Sewer Service Line Installation Plumber's Licensure was granted; and

(D) The applicant passes an examination specific to relevant state laws that regulate the master, journeyman, and restricted plumbing, plumbing and gas inspector, restricted hospital maintenance plumbing, or water and sewer service line installation occupations.

(3) The Department of Health may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the master, journeyman, and restricted plumbing, plumbing and gas inspector, restricted hospital maintenance plumbing, or water and sewer service line installation occupations if the Plumbing and Natural Gas Section 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 Plumbing and Natural Gas Section will not harm public:

- (i) Health;
- (ii) Safety; or
- (iii) Welfare.

(4) Upon the applicant being granted automatic occupational licensure, the applicant shall meet all:

(A) Other Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, or Water and Sewer Service Line Installation Plumber's Licensure requirements; and

(B) Renewal requirements of the Master, Journeyman, and Restricted Plumber, Plumbing and Gas Inspector, Restricted Hospital Maintenance Plumber's, or Water and Sewer Service Line Installation Plumber's Licensure, including, without limitation, a criminal background check and continuing education hours.

Authority. Arkansas Code §§ 17-38-201, 17-38-305.

17 CAR § 66-103. Fees — Fees for master, journeyman, and restricted plumber.

(a) Application fees.

(1) The application fees for master, restricted supervisor solar mechanic, restricted residential maintenance, restricted governmental maintenance, restricted supervisor hospital maintenance, restricted water and sewer service line installation, and restricted supervisor gas fitter plumbers shall be one hundred twenty-five dollars (\$125).

(2) The application fees for journeyman, restricted gas fitter, restricted hospital maintenance, and restricted solar mechanic plumbers shall be seventy-five dollars (\$75.00).

(3) The fees for additional examination due to failure to appear without proper notification or pass any portion of the test shall be fifty dollars (\$50.00).

(4) All nonscheduled or oral examination fees shall require an additional fifty dollars (\$50.00) per examination.

(5) All required fees must accompany the application when submitted.

(b) License fees.

(1) The license fee for Master Plumber, Restricted Supervisor Solar Mechanic, Restricted Residential Maintenance Plumber, and Restricted Water and Sewer Service Line Installation Plumber's Licenses shall be two hundred dollars (\$200) annually.

(2) The license fee for a Restricted Supervisor Gas Fitter Plumber License shall be two hundred dollars (\$200) annually.

(3) The license fee for a Journeyman and a Restricted Solar Mechanic Plumber's License shall be seventy-five dollars (\$75.00) annually.

(4) The license fee for a Restricted Gas Fitter Plumber's License shall be seventy-five dollars (\$75.00) annually.

(5) Registration fees for Apprentice Plumber, Restricted Gas Fitter Plumber Trainee, Restricted Hospital Maintenance Plumber's Trainee, Restricted Solar Mechanic Plumber Trainee, and Plumbing or Gas Inspector Licenses shall be twenty-five dollars (\$25.00) annually.

(6) The license fee for a Restricted Governmental Maintenance Plumber's License and a Restricted Supervisor Hospital Maintenance Plumber's License shall be one hundred dollars (\$100) annually.

(7) The license fee for a Restricted Hospital Maintenance Plumber's License shall be thirty-seven dollars and fifty cents (\$37.50) annually.

(8) The license fee for a Gas Utility Serviceperson License shall be twenty-five dollars (\$25.00) and the fee for a Restricted Gas Utility License shall be two hundred dollars (\$200) annually.

(c) Qualifications for initial licensure fees waiver.

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

(B) Eligible applicants are applicants who:

(i) Are receiving assistance through the:

- (a) State of Arkansas, or current state of residence equivalent, Medicaid Program;
 - (b) Supplemental Nutrition Assistance Program (SNAP);
 - (c) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
 - (d) Temporary Assistance for Needy Families Program (TEA); or
 - (e) Lifeline Assistance Program (LAP);
- (ii) Were approved for unemployment within the last twelve (12) months; or
- (iii) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(2) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency:

- (A) For Medicaid, SNAP, WIC, TEA, or LAP, documentation from the Department of Human Services or current state of residence equivalent agency;
 - (B) For unemployment benefits approval in the last twelve (12) months, the Department of Workforce Services or current state of residence equivalent agency;
- or
- (C) 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.

(3) Applicants shall attest that the documentation provided under subdivision(e)(2) of this section is a true and correct copy, and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

(d) Inspection fees.

(1)(A) The Plumbing and Natural Gas Section shall charge fees for inspections authorized under Acts 1951, No. 200, as amended.

- (B) The inspection fees shall be as follows:
 - (i) Each inspection \$25.00

(ii) Each additional inspection caused by the negligence of the supervisor license holder \$35.00

(2) The Plumbing and Natural Gas Section shall not charge an inspection fee to investigate consumer complaints or to assist the local administrative authority having jurisdiction over an inspection unless the Plumbing and Natural Gas Section is acting in place of said administrative authority.

(e) Delinquent licenses fees.

(1) In special cases where back license fees have accumulated so as to work an extreme hardship on the applicant, the Plumbing and Natural Gas Section may allow the applicant to pay on back license fees on an installment plan.

(2) In no case may the current license fee be paid in this manner.

(3) The payments of the back fees shall be made at the discretion of the Plumbing and Natural Gas Section to fit the individual case.

(4) A license issued under such conditions shall be revoked for nonpayment of any part of the fees.

Authority. Arkansas Code §§ 17-38-201, 17-38-305.

17 CAR § 66-104. Licensure terms and renewals.

(a) Term of expiration and renewals for master, journeyman, and apprentice plumbers.

(1)(A) Master, Journeyman, and Apprentice Plumber Licenses issued under the provisions of this part shall expire annually on December 31.

(B) The license shall be renewed by February 1.

(C) After February 1, a penalty of five dollars (\$5.00) per month shall be added.

(2)(A) All restricted plumber licenses issued under the provisions of this part shall expire annually on June 30.

(B) The license shall be renewed by August 1.

(C) After August 1, a penalty of five dollars (\$5.00) per month shall be added.

(3)(A) All plumbing and gas inspector's certificates issued under the provisions of this part shall expire annually on June 30.

(B) The license shall be renewed by August 1.

(C) After August 1, a penalty of five dollars (\$5.00) per month shall be added.

(4)(A) Arkansas Backflow Preventer Assembly Tester Competency Licenses shall expire on the date of the latest certification expiration date, but no later than thirty-six (36) months from the date of the applicant's latest certification or recertification training date.

(B) Renewals of Arkansas Certified Backflow Preventer Assembly Tester Licenses shall require documented completion of a department-approved recertification training course prior to the expiration date.

(C) Arkansas Backflow Preventer Assembly Repair Competency Licenses do not expire but are invalid without a current Arkansas Backflow Preventer Assembly Tester Competency License.

(5)(A) All licenses shall be renewed annually within thirty (30) days after the expiration date of the license.

(B) The Plumbing and Natural Gas Section may renew a license after:

(i) The thirty-day period if there is sufficient reason for not renewing in the time specified; and

(ii) Payment of penalties as prescribed by this part.

(6) The Plumbing and Natural Gas Section may set a system of staggered expiration dates for all licenses issued by the Plumbing and Natural Gas Section.

(7)(A) The Plumbing and Natural Gas Section may issue permits for less than (1) year.

(B) The cost of such permits shall be determined based upon:

(i) The number of months the permit is valid; divided by

(ii) Twelve (12) months; multiplied by

(iii) The amount of the annual fee.

(8) All unpaid fees or penalties related to a license must be paid in full prior to annual renewal unless the licensee is honoring an ongoing payment agreement with the Plumbing and Natural Gas Section.

(b) Term of certification for plumbing inspector or gas inspector and renewals.

(1) All certificates (licenses) for plumbing inspectors shall be renewed each year.

(2) Applications for renewal shall be accompanied by the proper fee and a proof of eight (8) hours of refresher training issued by the Plumbing and Natural Gas Section.

(c) Term of license and renewals for Restricted Hospital Maintenance Plumber's License.

(1) All Restricted Hospital Maintenance Plumber's Licenses issued under the provision of this part shall be renewed annually within thirty (30) days after the expiration date of the license.

(2) The Plumbing and Natural Gas Section may renew a license:

(A) After the thirty-day period providing there is sufficient reason for not renewing such license in the specified time; and

(B) Upon payment of penalties as prescribed by this part.

(d) Terms of license and renewals for Restricted Water and Sewer Service Line Installation Plumber's License.

(1)(A) Holders of a Restricted Water and Sewer Service Line Installation Plumber's License issued under the provisions of this part may renew annually within thirty (30) days after the expiration date of the license.

(B) The Plumbing and Natural Gas Section may renew a license:

(i) After the thirty-day period providing there is a sufficient reason for not renewing such license in the time specified; and

(ii) Upon payment of penalties as prescribed by rule.

(2)(A) All Restricted Water and Sewer Service Line Installation Plumber's Licenses shall be reviewed annually by the Plumbing and Natural Gas Section to determine if all restrictions have met all of the provisions of this part.

(B) It shall be the responsibility of the license holder to notify the Plumbing and Natural Gas Section of address and contact changes in written form.

(C) Late renewal fee and reinstatement rules and fees are addressed in the Qualifications and Rules Plumbing License.

(3) Holders of a Restricted Water and Sewer Service Line Installation Plumber's License shall acquire permits, inspections, and plan reviews for the restricted plumbing they are engaged in as required by state plumbing codes and local ordinances.

(4) Holders of a Restricted Water and Sewer Service Line Installation Plumber's License are responsible for ensuring proper sizing, materials, and components related to their installations and repairs with respect to the building plumbing they are connecting to.

(e) **Restrictions.**

(1) No plumbing inspector or gas inspector certified under this part shall perform inspections outside the area of his or her designated jurisdiction or the jurisdiction of the entity by which they were appointed unless designated to do so by agreement or appointed to do so by the Plumbing and Natural Gas Section.

(2) Persons holding a Restricted Hospital Maintenance Plumber's License for the particular phase of restricted hospital maintenance plumbing shall not perform any plumbing service other than the restricted phase for which they are licensed.

(3) Persons holding a Restricted Hospital Maintenance Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward other forms of licenses issued by the Plumbing and Natural Gas Section.

(4) Persons holding a Restricted Hospital Maintenance Plumber's License shall not transfer a license from one (1) phase of plumbing to any other phase or move from one (1) area of restriction to another without first resubmitting a new application to the Plumbing and Natural Gas Section.

(5)(A) Persons holding a Restricted Water and Sewer Service Line Installation Plumber's License shall not perform plumbing service other than the restricted phase for which they are licensed.

(B) In no instances shall this license be used to install, repair, or replace any portion of the water distribution or building drain system as they are:

- (i) Defined by the 2018 Arkansas Plumbing Code, 17 CAR pt. 65; and
- (ii) Designated by the administrative authority.

(C) This license does not include any portion of the natural gas service or system.

(6) Persons holding a Restricted Water and Sewer Service Line Installation Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward other forms of licenses issued by the Plumbing and Natural Gas Section.

(7) Persons holding a Restricted Water and Sewer Service Line Installation Plumber's License shall not transfer a license from one (1) phase of plumbing to any other phase.

(f) Deferment of Master or Journeyman Plumber License.

(1)(A) A master or journeyman plumber holding a current license may make application to the Plumbing and Natural Gas Section for deferment of such license.

(B) The Plumbing and Natural Gas Section, upon receipt of such application, may grant deferment of license.

(C) Deferments shall be made annually at a fee of twenty dollars (\$20.00) per year.

(2) The Plumbing and Natural Gas Section shall grant a deferment without regular or reinstatement fees to members of the armed services or their spouses in accordance with Section XVIII of these rules.

(3) The Plumbing and Natural Gas Section may grant a courtesy deferment without regular or reinstatement fees to a master or journeyman plumber who becomes legally appointed or employed as a plumbing inspector.

Authority. Arkansas Code §§ 17-38-102, 17-38-201, 17-38-305, 17-38-308.

17 CAR § 66-105. Revocation and reinstatement of licenses.

(a) Revocation of license.

(1) The Committee of Plumbing Examiners may on its own motion make investigations and conduct hearings and may on its own motion, or upon complaint in writing duly signed and verified by the complainant, suspend or revoke any license called for in this part if it has reason to believe that the holder of such license has violated any provisions of this part or order prescribed by the State Board of Health or has demonstrated incompetency to act as a license holder as called for in this part, pending a full hearing under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) The Plumbing and Natural Gas Section may suspend any license or certification for nonpayment of the prescribed fees or if the licensee fails to obtain annual training as prescribed by this part.

(3) The use of a Master, Journeyman, or Restricted Plumber License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license, pending a full hearing under the Arkansas Administrative Procedure Act.

(4) The use of a Restricted Hospital Maintenance Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension or revocation of such license by the committee, pending a full hearing under the Arkansas Administrative Procedure Act.

(5) The use of a Restricted Water and Sewer Service Line Installation Plumber's License to perform plumbing other than the restricted phase permitted by the license shall be grounds for automatic suspension or revocation of such license by the committee, pending a full hearing in accordance with the Arkansas Administrative Procedure Act.

(b) Reinstatement of Master, Journeyman, or Apprentice Plumber License.

(1) Reinstatement of expired license.

(A)(i) A master plumber, journeyman plumber, apprentice plumber, or restricted plumber whose license has expired for nonpayment of renewal fees may make an application to the Plumbing and Natural Gas Section for reinstatement of license.

(ii) The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse.

(iii) In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(B) Upon receipt of the application and experience record, the Plumbing and Natural Gas Section will determine whether to:

(i) Reinstatement without examination; or

(ii) Require an examination.

(C) If reinstatement is granted, the applicant shall pay the applicable reinstatement fee of three hundred twenty-five dollars (\$325) for a Master Plumber License or one hundred fifty dollars (\$150) for a Journeyman Plumber License in addition to any back fees and penalties assessed under 17 CAR § 66-108.

(D)(i) After a license has been delinquent for nonpayment of fees for over a period of five (5) consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of delinquency.

(ii) Upon receipt of the application and amended experience record, the committee will determine whether to reinstate with or without examination.

(2) Reinstatement of deferred license.

(A)(i) A master plumber, journeyman plumber, apprentice plumber, or restricted plumber whose license has been deferred under 17 CAR § 66-107 may apply for reinstatement by applications to the Plumbing and Natural Gas Section.

(ii) The Plumbing and Natural Gas Section may reinstate such license without examination upon payment of the current license fee and a reinstatement fee of twenty dollars (\$20.00).

(B)(i) After a license has been deferred over a period of five (5) consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of deferment.

(ii) Upon receipt of the application and amended experience record, the committee will determine whether to:

(a) Reinstate without examination; or

(b) Require an examination.

(3) Reinstatement of revoked license.

(A)(i) A master plumber, journeyman plumber, apprentice plumber, or restricted plumber whose license has been revoked may make application for a new license one (1) year after the date of revocation on an application form furnished by the Plumbing and Natural Gas Section.

(ii) Such application shall contain a statement of intent to comply with all pertinent laws and rules.

(B)(i) The committee may issue a new license after the applicant has passed the prescribed examination.

(ii) Fees for such license shall be the same as for a new license.

Authority. Arkansas Code §§ 17-38-201, 17-38-305.

17 CAR § 66-106. Transfer of Master Plumber License to Journeyman Plumber License.

(a) A master plumber may transfer a Master Plumber License to that of a Journeyman Plumber License by application to the Plumbing and Natural Gas Section and payment of a twenty-dollar transfer fee to cover services connected with the transfer of a license.

(b) A journeyman plumber who has previously held a Master Plumber License in this state may reinstate as a master without examination provided the applicant pays a twenty-dollar transfer fee plus the cost of a Master Plumber License.

(c)(1) If more than five (5) years have elapsed since the original transfer from master to journeyman, the application for transfer must be supported with an amended experience record covering all experience subsequent to the date of transfer.

(2) Upon receipt of the application and amended experience record, the Committee of Plumbing Examiners shall determine whether to require an examination.

(3) If an examination is required, the examination fee for a Master Plumber License shall be charged.

Authority. Arkansas Code §§ 17-38-201, 17-38-305.

17 CAR § 66-107. Prohibiting criminal offenses.

(a) **Applicability to licensure.** An individual is not eligible to receive or hold a license issued by the State Board of Health 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 et seq., by any court in the State of Arkansas, of any similar offense by a court in another state, or of any similar offense by a federal court, unless the conviction was:

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

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

(b) **Waiver.**

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

(2)(A) The state board 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 that provides false information to the state board regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

(c) 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 prelicensure criminal background check petition form from the state board.

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

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

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

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

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

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-108. Correction of violations.

(a) An applicant applying for any license or reinstatement of license under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Acts 1951, No. 200, as amended.

(b) Where such violations have existed, the Plumbing and Natural Gas Section may require all back license fees and penalties to be paid and all violations corrected.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-109. 2018 Arkansas Plumbing Code and Arkansas Gas Pipeline Code for Design, Construction, Operation, Inspection, and Maintenance of Natural Gas Systems.

(a) The Plumbing and Natural Gas Section may prepare and cause to be printed such codes, bulletins, or other documents for those engaged in the business and to the public upon request.

(b)(1) The Plumbing and Natural Gas Section may post online read-only copies of the 2018 Arkansas Plumbing Code, 17 CAR pt. 65, and the Arkansas Gas Pipeline Code for Design, Construction, Operation, Inspection, and Maintenance of Natural Gas Systems, 23 CAR pt. 451.

(2) Any additional hard copies or electronic copies of the codes and/or amended versions of existing codes may be obtained from the publisher and may require fees.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-110. Temporary permits/Provisional licensing — Qualifications for temporary revocable permits.

When requested, the Plumbing and Natural Gas Section shall immediately issue temporary revocable permits or revocable provisional licensing to all plumber applicants upon approval of eligibility by the Committee of Plumbing Examiners of the applicant for the plumber examination under the following conditions:

(1)(A) The temporary permits or provisional licensing shall be granted for ninety (90) days unless the committee determines the candidate for licensing does not meet the criteria as noted in Section X (Reciprocity) of this part, in which case the temporary permit or provisional licensing shall be revoked.

(B) The committee may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the committee for the applicant;

(2) Candidates for temporary permits or provisional licensing shall be required to attend the scheduled examinations unless officially excused, or forfeit temporary permit or provisional licensing;

(3) At the end of the ninety-day period, a plumber apprentice shall be required to follow the rules of apprenticeship as required in Arkansas Code § 17-38-409;

(4) The candidate holds his or her occupational licensure in good standing;

(5) The candidate has not had his or her occupational licensure revoked for an act of bad faith or a violation of law, rule, or ethics, and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(6) The candidate is sufficiently competent in his or her field; and

(7) The candidate pays the required license fee.

Authority. Arkansas Code §§ 17-38-201, 17-38-305.

17 CAR § 66-111. Hearings.

In the case of each final order issued by the Plumbing and Natural Gas Section, any affected party may, within thirty (30) days of such order, submit a written request for hearing to the Secretary of the Department of Health.

Authority. Arkansas Code § 17-38-201.

Subpart 2. Rules Pertaining to Restricted Plumber License, Solar Mechanic

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

"SECTION I. AUTHORITY

The following rule is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended and Act 96 of 1913 as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended. It may, among other things, issued restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses providing that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and providing that the Board has adopted rules defining restrictions in the type of work allowed, geographical area served, and term of that type of restricted license."

"SECTION X. SEVERABILITY

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

SECTION XI. REPEAL

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

17 CAR § 66-201. Purpose.

No person shall engage in work as a master plumber, journeyman plumber, apprentice plumber, or restricted license holder called for under Acts 1951, No. 200, as amended, unless first licensed or registered to do so by the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-202. Definitions.

As used in this subpart:

- (1) "Department" means the Plumbing and Natural Gas Section of the Department of Health;
- (2) "Domestic hot water" means potable water that has been heated for domestic use;
- (3) "Solar mechanic" means a person qualified to perform the installation and/or maintenance for the:
 - (A) Particular phase of solar and hydronic heating; and
 - (B) Purpose of solar heating of domestic hot water;
- (4) "Solar mechanic trainee" means any person who is engaged in learning, acquiring experience, and assisting the solar mechanics in order to become a solar mechanic;
- (5) "State board" means the State Board of Health; and
- (6) "Supervising solar mechanic" means any person skilled in the planning, superintending, and practical installation and/or maintenance for the:
 - (A) Particular phase of solar and hydronic heating; and
 - (B) Purpose of solar heating of domestic hot water.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-203. Restrictions.

(a) Persons holding a Restricted Solar Mechanic Plumber's License for the particular phase of restricted solar mechanic plumbing shall not perform any plumbing service other than the restricted phase for which they are licensed.

(b) Persons holding a Restricted Solar Mechanic Plumber's License not be eligible to use experience gained under such license to obtain credit toward other forms of

licenses issued by the Plumbing and Natural Gas Section.

(c) Persons holding a Restricted Solar Mechanic Plumber's License shall not transfer a license from one (1) phase of plumbing to any other phase or move from one (1) restricted area to another without first resubmitting a new application to the Plumbing and Natural Gas Section.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-204. Qualifications.

(a) The applicant for a Restricted Solar Mechanic Plumber's License shall produce evidence of his or her training and experience in the phase of plumbing for which he or she is requesting a license.

(b) Applicants for a Restricted Supervisor Solar Mechanic Plumber's License shall have a minimum of five (5) years' solar mechanic plumbing experience or its equivalent, with at least one (1) year as a licensed restricted solar mechanic plumber.

(c) Applicants for a Restricted Solar Mechanic Plumber's License shall have served four (4) years as a registered restricted solar mechanic apprentice.

(d) Restricted solar mechanic trainees shall register with the Plumbing and Natural Gas Section in order to record the training and experience gained under the Restricted Supervising Solar Mechanic Plumber's License.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-205. Applications and examinations.

(a) Information for a Restricted Solar Mechanic Plumber's License shall be on an application form showing the education, experience, and background of the applicant.

(b) The application form for a Restricted Solar Mechanic Plumber's License shall have a space to show the restriction requested and the restriction shall be indicated before consideration by the Committee of Plumbing Examiners.

(c) All applicants shall be examined by the Plumbing and Natural Gas Section to

determine competency:

- (1) To perform as a restricted solar mechanic plumber; and
- (2) On the regulations that may affect their operation.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-206. Terms of license and renewals.

(a)(1) All holders of restricted solar mechanic licenses issued under the provisions of this subpart may apply for renewal annually within thirty (30) days after the expiration date of the license.

(2) The Plumbing and Natural Gas Section may renew a license after the thirty-day period:

(A) Provided there is sufficient reason for not renewing such license in the time specified; and

(B) Upon payment of penalties as prescribed by this part.

(b) The use of a Restricted Solar Mechanic Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the Committee of Plumbing Examiners:

(1) Provided the licensee is duly notified within thirty (30) days of the violation; and

(2) Pending a full hearing under the Administrative Procedures Rule of the Department of Health.

Authority. Arkansas Code §§ 17-38-201, 17-38-308.

17 CAR § 66-207. Hearings.

(a) In the case of each final order issued by the Plumbing and Natural Gas Section, any affected party may within thirty (30) days of such order submit a written request for a hearing to the Director of the Plumbing and Natural Gas Section.

(b) **Notice.** All hearings will be:

- (1) Scheduled within a reasonable time; and
- (2) Held after reasonable notice has been provided to all known affected parties.

Authority. Arkansas Code § 17-38-201.

Subpart 3. Rules Pertaining to Restricted Plumber License, Governmental Maintenance

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "SECTION I. AUTHORITY

The following rule is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended and Act 96 of 1913 as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 Of 1951 as amended. It may, among other things, issue restricted licenses limited to gas fitter, residential and governmental maintenance license providing that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and providing that the Board has adopted rules defining restrictions in type of work allowed, geographical area served, and term of that type of restricted license."

"SECTION X. SEVERABILITY

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

"SECTION XI. REPEAL

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

17 CAR § 66-301. Purpose.

No person shall engage in work as a Master Plumber, Journeyman Plumber, or Restricted Plumber License holder called for under Acts 1951, No. 200, as amended, unless first licensed or registered to do so by the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-302. Definitions.

As used in this part:

(1) "Administrative authority" means the individual official, board, department, or agency established and authorized by the state, county, city, or other political subdivision to administer and enforce the provisions of Acts 1951, No. 200, as adopted or amended;

(2) "Department" means the Plumbing and Natural Gas Section of the Department of Health;

(3) "Governmental maintenance plumbing phase" means the maintenance and repair of all piping, fixtures, appliances, and appurtenances in connection with the water supply, consumer's gas piping, and sanitary drainage systems of government housing, state buildings, and educational institutions in the state;

(4) "Restricted area" means any specific governmental housing, state buildings, or educational institutions in the state; and

(5) "State board" means the State Board of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-303. Restrictions.

(a) Persons holding a Restricted Governmental Maintenance Plumber's License for the particular phase of governmental maintenance plumbing shall not perform any plumbing service other than the restricted phase for which he or she is licensed.

(b) Persons holding a Restricted Governmental Maintenance Plumber's License shall not be eligible to use experience gained under such license to obtain credit toward forms of licenses issued by the Plumbing and Natural Gas Section.

(c) Persons holding a Restricted Governmental Maintenance Plumber's License shall not transfer a license from one (1) phase of plumbing to any other phase or move from one (1) restricted area to another without first resubmitting a new application to the Plumbing and Natural Gas Section.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-304. Qualifications.

The applicant for a Restricted Governmental Maintenance Plumber's License produces evidence of his or her training and experience in the phase of plumbing for which he or she is requesting a license.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-305. Applications and examinations.

(a) Information for a Restricted Governmental Maintenance Plumber's License shall be on an application form showing the experience and background of the applicant.

(b) The application form for a Restricted Governmental Maintenance Plumber's License shall have a space to show the restrictions requested and the restrictions shall be indicated before consideration by the Committee of Plumbing Examiners.

(c) All applicants shall be examined by the Plumbing and Natural Gas Section:

(1) To determine competency to perform as a restricted governmental maintenance plumber; and

(2) On the rules that may affect his or her operation.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-306. Terms of license and renewals.

(a) Holders of Restricted Governmental Maintenance Plumber's Licenses issued under the provision of this part may apply for renewal annually within thirty (30) days after the expiration date of the license.

(b) The Plumbing and Natural Gas Section may renew a license:

(1) After the thirty-day period providing there is sufficient reason for not renewing such license in the time specified; and

(2) Upon payment of penalties as prescribed by this part.

Authority. Arkansas Code §§ 17-38-201, 17-38-308.

17 CAR § 66-307. Applications and examinations.

(a) Information for a Restricted Governmental Maintenance Plumber's License shall be on an application form showing the educational experience and background of the applicant.

(b) The application form for a Restricted Governmental Maintenance Plumber's License shall have a space to show the restrictions requested and the restrictions shall be indicated before consideration by the Committee of Plumbing Examiners.

(c) All applicants shall be examined by the Plumbing and Natural Gas Section:

(1) To determine competency to perform as a restricted governmental maintenance plumber; and

(2) On the rules that may affect his or her operation.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-308. Terms of license and renewals.

(a) Holders of a Restricted Governmental Maintenance Plumber's License issued under the provisions of this part may apply for renewal annually within thirty (30) days after the expiration date of the license.

(b) The Plumbing and Natural Gas Section may renew a license after the thirty-day period:

(1) Providing there is a sufficient reason for not renewing such license in the time specified; and

(2) Upon payment of penalties as prescribed by rule.

Authority. Arkansas Code §§ 17-38-201, 17-38-308.

17 CAR § 66-309. Revocation of license.

(a) The Committee of Plumbing Examiners may, on its own or upon a complaint in writing duly signed and verified by the complainant, suspend or revoke any Restricted Governmental Maintenance Plumber's License if it has reason to believe that the holder of such license has:

(1) Violated any:

(A) Provision of this part; or

(B) Rule or order prescribed by the State Board of Health; or

(2) Demonstrated incompetency to act as a restricted governmental maintenance plumber.

(b) The use of a Restricted Governmental Maintenance Plumber's License to do plumbing other than that permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the committee, providing the licensee is duly notified within thirty (30) days of violation and pending a full hearing in accordance with the Administrative Procedures Regulation of the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-310. Hearings.

(a) In the case of each final order issued by the Plumbing and Natural Gas Section, any affected party may within thirty (30) days of such order submit a written request for a hearing to the Director of the Department of Health.

(b) **Notice.** All hearings will be:

(1) Scheduled within a reasonable time; and

(2) Held after reasonable notice has been provided to all known affected parties.

Authority. Arkansas Code § 17-38-201.

Subpart 4. Rules Pertaining to Restricted Plumber License, Lifetime Master Plumber

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

"SECTION I. AUTHORITY

The following rule is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951, as amended, and Act 96 of 1913, as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951, as amended. It may, among other things, issue restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic, hospital maintenance and Lifetime Master Plumber provided that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and provided that the Board has adopted rules defining restrictions in the type of work allowed, geographical area served, and term of that type of restricted license."

"SECTION XI. SEVERABILITY

If any provision of these Rules, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or application of these Rules which can

give effect without the invalid provisions of applications, and to this end the provision hereto is declared to be severable."

"SECTION XII. REPEAL

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

17 CAR § 66-401. Purpose.

No person shall engage in work as a Master Plumber, Journeyman Plumber, Apprentice Plumber, or Restricted Plumber License holder called for under Acts 1951, No. 200, as amended, unless first licensed or registered to do so by the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-402. Definitions.

As used in this part:

(1) "Apprentice plumber" means a person other than a Master, Journeyman, or Restricted License holder who is registered and enrolled in the apprentice plumber training program outlined in Arkansas Code § 17-38-401 et seq.;

(2) "Committee of Plumbing Examiners" means people designated by the State Board of Health to determine the eligibility of applicants for various types of plumbing and gas licenses in accordance with Acts 1951, No. 200, as amended;

(3) "Department" means the Plumbing and Natural Gas Section of the Department of Health;

(4) "Restricted lifetime master plumber" means a person who:
(A) Has met the qualifications for such license; and
(B) Does not exceed the limitations or geographical restrictions defined in this part; and

(5) "State board" means the State Board of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-403. Qualifications.

To qualify for the Restricted Lifetime Master Plumber License, an applicant shall:

- (1) Have been previously licensed as a master plumber by the Plumbing and Natural Gas Section for not fewer than twelve (12) years;
- (2) Be at least sixty-five (65) years of age; and
- (3) Hold either a current or a deferred Master Plumber License.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-404. Restrictions.

(a) A person holding a Lifetime Master Plumber License shall not be eligible to perform or contract plumbing installations on any construction or remodeling of supermarkets, shopping centers, housing projects, apartment complexes, industrial buildings, educational institutions, hospitals, nursing homes, or any other construction containing more than twenty-three (23) fixture units.

(b) No person holding a Lifetime Master Plumber License may transfer the license to another person.

(c) No person holding a Lifetime Master Plumber License can register an Apprentice Plumber.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-405. Applications.

Applicants for a Lifetime Master Plumber License shall complete an application form showing the applicant's background, work experience, and address before consideration by the Plumbing and Natural Gas Section.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-406. Term of expiration.

Lifetime Master Plumber Licenses are for the lifetime of the holder of such license unless suspended or revoked for noncompliance with the rules or laws of the State Board of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-407. Revocation of license.

(a) The Committee of Plumbing Examiners may:

(1) On its own motion make investigations and conduct hearings; and

(2) On its own motion or upon complaint in writing, duly signed and verified by the complainant, suspend or revoke any Master, Journeyman, Apprentice, or Restricted Plumber License if it has reason to believe that the holder of such license has:

(A) Violated any provision of this part or any rule or order prescribed by the Plumbing and Natural Gas Section; or

(B) Demonstrated incompetency to act as a master, journeyman, apprentice, or restricted plumber.

(b) The use of a Restricted Lifetime Master Plumber License to perform plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the committee, provided the licensee is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Regulation of the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-408. Procedure for suspension or revocation.

(a)(1) A copy of the complaint with notice of the suspension of license or permit, if ordered by the Committee of Plumbing Examiners, shall be served on the person complained against.

(2) His or her answer thereto shall be filed in the time allowed for the filing of answers in legal proceedings by the laws of the State of Arkansas.

(b)(1) No order revoking a license or permit shall be made until after a public hearing set by the committee not fewer than sixty (60) days after the serving of a notice of suspension on the person complained against.

(2) The hearing shall be held at the place designated by the committee.

(3) The person complained against shall have the right to:

(A) Be represented by counsel; and

(B) Introduce any evidence in his or her defense.

(4) The conduct of the hearing shall be in accordance with recognized rules of legal procedure.

(c)(1) An appeal may be had from the hearing by filing the appeal with the State Board of Health.

(2) All appeals shall be pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) Any member of the committee or a representative designated by the committee shall have the authority to administer oaths for the taking of testimony.

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

(f) All procedures shall be reviewed by the agency's legal counsel prior to any action by the committee resulting in revocation or suspension.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-409. Hearings.

(a) In the case of each final order issued by the Plumbing and Natural Gas Section, any affected party may within thirty (30) days of such order submit a written request for a hearing to the Director of the Department of Health.

(b) **Notice.** All hearings will be:

(1) Scheduled within a reasonable time; and

(2) Held after reasonable notice has been provided to all known affected parties.

Authority. Arkansas Code § 17-38-201.

Subpart 5. Rules Pertaining to Restricted Plumber License, Gas Fitter, and Gas Utility

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

"SECTION I. AUTHORITY

The following rule is duly adopted and promulgated by the Arkansas State Board of Health pursuant to the Authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended and Act 96 of 1913 as amended. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended. It may, among other things, issue restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses providing that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and providing that the Board has adopted rules defining restrictions and the type of work allowed, geographical area served, and term of that type of restricted license."

"SECTION X. SEVERABILITY

If any provision of these Rules, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or application of these Rules which can

give effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

SECTION XI. REPEAL

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

17 CAR § 66-501. Purpose.

No person shall engage in work as a master plumber, journeyman plumber, apprentice plumber, or restricted license holder called for under Acts 1951, No. 200, as amended, unless first licensed or registered to do so by the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-502. Definitions.

As used in this subpart:

(1)(A) "Arkansas Fuel Gas Code", 17 CAR pt. 67, means those rules governing the installation of piping, fixtures, appliances, devices, and appurtenances in connection with gas installations, specifically Chapter Fifteen (15) of the 2018 Arkansas Plumbing Code, 17 CAR pt. 65.

(B) These rules are published separately as the Arkansas Fuel Gas Code as a convenience for the gas industry not needing the complete Arkansas State Plumbing Code;

(2) "Department" means the Plumbing and Natural Gas Section of the Department of Health;

(3) "Gas fitter" means a person trained and skilled in the practical installation of gas:

- (A) Piping;
- (B) Appliances;
- (C) Fixtures;

- (D) Devices; and
- (E) Appurtenances;

(4)(A) "Gas fitter trainee" means a person working with licensed gas fitters to achieve experience and knowledge so that the trainee may advance to a gas fitter status.

(B) Gas fitter trainees shall register with the Plumbing and Natural Gas Section in order to record the training and experience gained under a supervising gas fitter;

(5) "Gas utility" means a person, firm, or corporation engaged in the distribution of natural gas, manufactured gas, and/or a mixture of natural gas and manufactured gas, delivered to the consumer through a system of distribution piping;

(6) "Gas utility license" means a license for all gas utilities having gas servicepersons;

(7) "Restricted area" means any:

- (A) Specific location in the state;
- (B) Small towns; and/or
- (C) Rural water, sewer, gas improvement district, or utility company;

(8) "State board" means the State Board of Health; and

(9) "Supervising gas fitter" means a person trained and skilled in the supervision of gas fitting and gas piping, appliances, fixtures, devices, and appurtenances in connection with gas.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-503. Restrictions.

(a) Persons holding a Restricted Gas Fitter Plumber's License for the particular phase of gas fitting shall not perform any plumbing service other than the restricted phase for which they are licensed.

(b) Persons holding a Restricted Gas Fitters Plumber's License shall not be eligible

to use experience gained under such license to obtain credit toward other forms of licenses issued by the Plumbing and Natural Gas Section.

(c) Persons holding a Restricted Gas Fitter Plumber's License shall not transfer a license from one (1) phase of plumbing to any other phase or move from one (1) area of restriction to another without first submitting a new application to the Plumbing and Natural Gas Section.

(d)(1) The gas utility license shall cover all of the utility's gas servicepersons for installation and service by the utility, provided that the utility requires each such serviceperson be specially trained for such service.

(2) The utility shall:

(A) Be responsible to the Plumbing and Natural Gas Section for each serviceperson; and

(B) Provide an identification card showing the:

(i) Utility license name;

(ii) Utility license number; and

(iii) Restricted service of the serviceperson.

(3) The utility shall register each serviceperson and his or her serial numbers with the Plumbing and Natural Gas Section.

(4) Such servicepersons are expressly not eligible for any gas work or service for other than the utility and in the name of the utility.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-504. Qualifications.

(a) An applicant for a Restricted Gas Fitter Plumber's License and gas utility license shall show proof that he or she is qualified to perform the phase of plumbing which he or she is requesting.

(b) An application for a supervising gas fitter plumber's license shall:

(1) Have a minimum experience of one (1) full year as a licensed gas fitter;
and

- (2) Successfully pass the examination prescribed.
- (c) An applicant for a gas fitter plumber's license shall:
 - (1) Have served two (2) years as a registered gas fitter trainee; and
 - (2) Successfully pass the examination prescribed.
- (d) An applicant for gas fitter trainee shall:
 - (1) Have a general aptitude for training; and
 - (2) Complete an agreement with an employer and supervising gas fitter for a two-year training period.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-505. Applications and examinations.

(a) Information for a Restricted Gas Fitter Plumber's License shall be on an application form showing the education, experience, and background of the applicant.

(b) The application form of a Restricted Gas Fitter Plumber's License shall have a space to show the restriction requested and the restriction shall be indicated before consideration by the Committee of Plumbing Examiners.

(c) All applicants shall be examined by the Plumbing and Natural Gas Section to determine competency:

- (1) To perform as a restricted gas fitter plumber; and
- (2) On the regulations that may affect their operation.

(d) All applicants shall be examined on the basis of competency:

- (1) In the restricted phase of plumbing they may be performing; and
- (2) On laws, rules, and regulations that may affect his or her operation.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-506. Terms of license and renewals.

(a) Holders of Restricted Gas Fitter Plumber Licenses issued under the provisions of this subpart may apply for renewal annually within thirty (30) days after the expiration

date of the license.

(b) The Plumbing and Natural Gas Section may renew a license after the thirty-day period:

(1) Providing there is sufficient reason for not renewing such license in the time specified; and

(2) Upon payment of penalties as prescribed by this part.

Authority. Arkansas Code §§ 17-38-201, 17-38-308.

17 CAR § 66-507. Revocation of license.

(a) The Committee of Plumbing Examiners may, on its own motion or upon a complaint in writing duly signed and verified by the complainant, suspend or revoke any Restricted Gas Fitter Plumber's License or gas utility license if it has reason to believe that the holder of such license has:

(1) Violated any provision of this subpart;

(2) Violated any rule or order prescribed by the State Board of Health; or

(3) Demonstrated incompetency to act as a restricted gas fitter plumber.

(b) The use of a Restricted Gas Fitter Plumber's License or gas utility license to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation of such license by the Committee of Plumbing Examiners:

(1) Provided the licensee is duly notified within thirty (30) days of the violation; and

(2) Pending a full hearing under the Administrative Procedures Rule of the Department of Health.

Authority. Arkansas Code § 17-38-201.

17 CAR § 66-508. Hearings.

(a) In the case of each final order issued by the Plumbing and Natural Gas Section, any affected party may within thirty (30) days of such order submit a written request

for a hearing to the Director of the Plumbing and Natural Gas Section.

(b) **Notice.** All hearings will be:

- (1) Scheduled within a reasonable time; and
- (2) Held after reasonable notice has been provided to all known affected parties.

Authority. Arkansas Code § 17-38-201.