

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Health

Department Environmental Health Services

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Statutory Authority for Promulgating Rules § 20-7-109 et seq.

Rule Title: Rules Pertaining to Plumbers License Fee, Expiration, Renewal, Journeyman, and Master Plumber Qualifications

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

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9/4/19

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(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

9/18/20

Adopted by State Agency

8/1/19

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Laura Shue

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9/18/2020

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-661-2297

Laura.Shue@arkansas.gov

Phone Number

E-mail Address

General Counsel

Title

9/18/2020

Date

RULES PERTAINING

TO

PLUMBERS LICENSE FEE, EXPIRATION, RENEWAL,

**JOURNEYMAN PLUMBER, MASTER PLUMBER AND RESTRICTED PLUMBER
QUALIFICATIONS**

**Effective Date:
September 28, 2020**

SECTION I AUTHORITY

The following Amendment to the Arkansas State Plumbing Code 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 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.

SECTION II. PURPOSE

The Board, by rule and after public hearing, may set reasonable license or examination fee for all licenses called for under Act 200 of 1951 as amended including, but not limited to Master Plumber Licenses, Journeyman Plumber License, Apprentice Plumber License registration. It may, among other things, issue restricted licenses 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. Restricted Plumber Licenses are limited to gas fitter, and governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses provided that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed including plumbing and / or gas inspector certification.

SECTION III. DEFINITIONS

- (a) The State Board means the Arkansas Board of Health.
- (b) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.
- (c) 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 Act 200 of 1951 as adopted or amended.
- (d) Journeyman Plumber means any person other than a Master Plumber, who is engaged in the practical installation of plumbing.

- (e) Master Plumber means any person skilled in the planning, superintending and the practical installation of plumbing and who is familiar with the laws, and rules governing the same.
- (f) Restricted Plumber means a person qualified to install building water or sewer lines or other special phases of plumbing providing that such person has demonstrated competency for that particular phase of plumbing.
- (g) Gas Utility means a firm or corporation engaged in the distribution of natural gas, manufactured gas and/or a mixture of natural gas and manufacturing gas, delivered to the consumer through a system of distribution piping.
- (h) Gas Utility Serviceman means an employee of a gas utility specially trained for gas service work with the utility.
- (i) 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 Ann. 17-31-401 et seq.
- (j) Backflow testing and repair technicians means any person meeting all the applicable certifications to test and / or repair backflow devices.
- (k) 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 has adopted a national model plumbing and / or gas code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

SECTION IV. EXAMINATION FEES

- (a) The examination fees for Master, Restricted Supervising Solar Mechanic, Restricted Residential Maintenance, Restricted Governmental Maintenance, Restricted Supervising Hospital Maintenance, Restricted Water and Sewer Service Line Installation and Restricted Supervising Gas Fitter Plumbers shall be one hundred twenty-five dollars (\$125.00).
- (b) The examination fees for Journeyman, Restricted Gas Fitter, Restricted Hospital Maintenance, and Restricted Solar Mechanic Plumbers shall be seventy-five dollars (\$75.00).
- (c) 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)
- (d) All non-scheduled or oral examination fees shall require an additional fifty dollars (\$50.00) per examination.
- (e) All examination fees must accompany the application when submitted.

SECTION V. LICENSE FEES

- (a) The license fee for Master, Restricted Supervising Solar Mechanic, Restricted Residential Maintenance, Restricted Water and Sewer Service Line Installation shall be two hundred dollars (\$200.00) annually.
- (b) The license fee for Restricted Supervising Gas Fitter Plumbers shall be two hundred dollars (\$200.00) annually.
- (c) The license fee for Journeyman and Restricted Solar Mechanic Plumbers shall be seventy-five dollars (\$75.00) annually.
- (d) The license fee for Restricted Gas Fitter Plumber shall be seventy-five dollars (\$75.00) annually.
- (e) Registration fees for Apprentice, Restricted Gas Fitter Trainee, Restricted Hospital Maintenance Trainee, Restricted Solar Mechanic Trainee, and Plumbing or Gas Inspector shall be twenty-five dollars (\$25.00) annually.
- (f) The license fee for a Restricted Governmental Maintenance Plumbers License and Restricted Supervising Hospital Maintenance Plumbers License shall be one hundred dollars (\$100.00) annually.
- (g) The license fee for a Restricted Hospital Maintenance Plumbers License shall be thirty-seven dollars and fifty cents (\$37.50) annually.
- (h) The license fee for a Gas Utility Serviceman shall be twenty-five dollars (\$25.00) and the fee for Restricted Gas Utility License shall be two hundred dollars (\$200.00) annually.

SECTION VI. TERMS OF EXPIRATION AND RENEWAL

- (a) Master, Journeyman and Apprentice Plumbers licenses issued under the provisions of these rules shall expire annually on December 31st. The license shall be renewed by February 1st. After February 1st of a (\$5.00) per month shall be added.
- (b) All Restricted Plumbers Licenses issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st a penalty of five dollars (\$5.00) per month shall be added.
- (c) All Plumbing and/or Gas Inspector's Certificates issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st a penalty of five dollars (\$5.00) per month shall be added.
- (d) In no case shall the Committee of Examiners issue more than one (1) type of license per applicant as defined under Act 200 of 1951, as amended.
- (e) All licenses shall be renewed annually within thirty days after the expiration date of the license. The Department may renew a license after the thirty-day period if there is sufficient reason for not renewing in the time specified and after payment of penalties as prescribed by the rules.

- (f) The Department may set a system of staggered expiration dates for all licenses issued by the Department.
- (g) The Department may issue permits for less than (1) year. The cost of such permits shall be determined based upon the number of months the permit is valid divided by twelve (12) months multiplied by the amount of annual fee.

SECTION VII. DEFERMENT OF LICENSE

- (a) A Master or Journeyman Plumber holding a current license may make application to the Department for deferment of such license. The Department, upon receipt of such application, may grant deferment of license. Deferments shall be made annually at a fee of twenty dollars (\$20.00) per year.
- (b) The Department 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.
- (c) The Department may grant a courtesy deferment without regular or reinstatement fees to a Master or Journeyman Plumber who becomes a legally appointed or employed Plumbing Inspector.

SECTION VIII. REINSTATEMENT OF LICENSE

- (a) Reinstatement of Expired License.

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose License has expired for non-payment of renewal fees may make an application to the Department for reinstatement of license. The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse. 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.

Upon receipt of the application and experience record, the Department will determine whether to reinstate without examination or whether to require an examination.

If reinstatement is granted, the applicant shall pay the applicable reinstatement fee of three hundred twenty-five dollars (\$325.00) for Master Plumber License or one hundred fifty dollars (\$150.00) for Journeyman Plumber License, in addition to any backfees and penalties assessed under Section XIII (13) of these Rules.

After a license has been delinquent for non-payment of fees for over a period 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. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate with or without examination.

(b) Reinstatement of Deferred License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been deferred under Section VII of these Rules may apply for reinstatement by applications to the Department. The Department may reinstate such license without examination upon payment of the current license fee and a reinstatement fee of twenty dollars (\$20.00).

After a license has been deferred over a period of five consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of deferment. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate without examination or whether to require an examination.

(c) Reinstatement of Revoked License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been revoked may make application for a new license one year after the date of revocation on an application form furnished by the Department. Such application shall contain a statement of intent to comply with all pertinent laws and rules.

The Committee of Examiners may issue a new license after the applicant has passed the prescribed examination. Fees for such license shall be the same as for a new license.

SECTION IX. 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 Department and payment of twenty dollars (\$20.00) 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 pay a twenty dollar (\$20.00) transfer fee plus the cost of a Master Plumber License.

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. Upon receipt of the application and amended experience record, the Committee of Examiners shall determine whether to require an examination. If an examination is required the examination fee for a Master Plumber License shall be charged.

SECTION X. RECIPROCAL LICENSING

- (a) The State Committee of Plumbing Examiners, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding plumber licensing.
- (b) An applicant applying for reciprocal licensure shall meet the following requirements:

- (1) The applicant shall hold a plumbers license in another United States jurisdiction that are substantially similar to an Arkansas plumbers' licensure requirements as established by these rules.
 - a. There are no minimum education requirements for licensure.
 - (2) The applicant shall hold his or her occupational licensure in good standing.
 - (3) The applicant shall not have had a license revoked for an act of bad faith or a violation of laws, rule or ethics:
 - (4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 - (5) The applicant shall be sufficiently competent in the plumbing and natural gas installations.
- (c) The Committee of Examiners 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:
- (1) Examinations shall not be required;
 - (2) 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.
- (d) An applicant shall submit a completed application, the required fee, and the documentation described below.
- (1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:
 - a. Copy of plumber's license from other jurisdiction; and
 - b. Completion of required forms from other jurisdiction(s) showing the candidates licensing status including suspensions and revocations, types of examinations administered, and types of plumbing and gas codes used. The Committee may use online or telecommunications to other licensing jurisdiction for verification of information.
 - c. Candidates shall also be required to submit the names of all states in which the candidates is either currently or has been previously licensed in and confirmation that the license is in good standing. The Committee has the authority to verify candidate licensing information.

SECTION XI. DELINQUENT LICENSES FEES

- (a) In special cases, where back licenses fees have accumulated so as to work an extreme hardship on the applicant, the Department may allow the applicant to pay on back license

fees on an installment plan. In no case may the current license fee be paid in this manner. The payments of the back fees shall be made at the discretion of the Department to fit the individual case. A license issued under such conditions shall be revoked for non- payment of any part of the fees.

SECTION XII. MASTER, JOURNEYMAN AND RESTRICTED PLUMBER QUALIFICATIONS

- (a) An applicant for the Master Plumber examination shall have a minimum of five (5) years experience and an applicant for Journeyman Plumber examination licensing shall have a minimum of four (4) years experience or its equivalent.
- (b) The State 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:
 - 1) Holds his or her occupational licensure in good standing;
 - 2) Has not had his or her occupational licensure revoked for and an act of bad faith, 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;
 - 3) Is sufficiently competent in his or her field, and;
 - 4) Pays the required license fee.

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

- (c) The State Committee of Plumbing Examiners may approve an applicant under the following conditions for Master or Journeyman 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.
 - 1) Is sufficiently competent in his or her field, and;
 - 2) Pays the required license fee.

The Committee shall use the least restrictive requirements by allowing the licensing candidate to show proof experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as a plumber.

- (d) The State Committee of Examiners 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 ACA § 17-38-409.

- (e) The State Committee of Plumbing Examiners may consider applicants for Master Plumber examination who are professional engineers with special expertise in plumbing engineering.
- (f) Individuals applying for and obtaining Journeyman Plumber licensing must hold that license for one (1) full year before becoming eligible for Master Plumber examination. In cases of extreme hardship, the State Committee of Plumbing Examiners may waive the one (1) year requirement in whole or in part.
- (g) **Prohibiting Criminal Offenses**
 - 1) An individual is not eligible to receive or hold a license issued by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. 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 lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed, pardoned or expunged under prior law.
 - 2) The Board may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.
 - 3) The Board is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to the Board regarding a criminal conviction may be subject to suspension, revocation or denial of a license.
- (h) **Pre-Licensure Prohibiting Offense Determination**
 - 1) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
 - 2) The individual must obtain the pre-licensure criminal background check petition form from the Board.
 - 3) The Board will respond with a decision in writing to a completed petition within a reasonable time.
 - 4) The Board response will state the reason(s) for the decision.
 - 5) All decisions of the Board in response to the petition will be determined by the information provided by the individual.
 - 6) Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
 - 7) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

SECTION XIII. 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 Act 200 of 1951 as amended. Where such violations have existed, the Department may require all back license fees and penalties to be paid and all violations corrected.

SECTION XIV. INSPECTION FEES

- (a) The Department shall charge fees for inspections authorized under Act 200 of 1951 as amended. The inspection fees shall be as follows:
 - (1) Each inspection \$25.00
 - (2) Each additional inspection caused by the negligence of the supervising license holder..... \$35.00
- (b) The Department shall not charge an inspection fee to investigate consumer complaints and/or to assist the local Administrative Authority having jurisdiction over an inspection unless the Department is acting in place of said Administrative Authority.

SECTION XV. PLUMBING and/or GAS CODE FEES

- (a) The Department 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. The Department shall charge a fee for codes and rules as follows:
 - (1) Plumbing Code (with binder)..... \$45.00
 - (2) Gas Code Only (with binder)..... \$30.00
 - (3) Gas Insert Only (without binder)..... \$25.00
- (b) The Department may furnish one copy of Plumbing and Gas Code to each local inspection program, gas utility company, or library free of charge. Any additional codes and/or amended versions of existing codes shall require fees as outlined above.

SECTION XVI. REVOCATION OF LICENSE

- (a) The Committee of Examiners may on its own motion make investigation and conduct hearing 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 rule if it has reason to believe that the holder of such license has violated any provisions of these rules or order prescribed by the Board or has demonstrated incompetency to act as a license holder as called for in this rule.
- (b) The use of a Master, Journeyman or Restricted 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 Examiners providing the licensee is duly notified within

thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Act.

SECTION XVII. TEMPORARY PERMITS / PROVISIONAL LICENSING

When requested, the Department shall immediately issue temporary revocable permits or revocable provisional licensing to all plumber applicants upon receipt of the application provided the Committee of Examiners has approved the eligibility of the applicant for Master and/or plumber examination under the following conditions:

- (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 these rules in which case the temporary permit or provisional licensing shall be revoked. 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;
- (b) 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;
- (c) At the end of the 90 days period, a plumber apprentice shall be required to follow the rules of apprenticeship as required in ACA § 17-38-409;
- (d) The candidate holds his or her occupational licensure in good standing;
- (e) The candidate has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary from any state, territory, or district of the United States;
- (f) Is sufficiently competent in his or her field, and;
- (g) Pays the required license fee.

SECTION XVIII. LICENSURE, CERTIFICATION, OR PERMITTING OF ACTIVE DUTY SERVICE MEMBERS, RETURNING VETERANS, AND SPOUSES – ARK CODE 17-1-106

- (a) As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
- (b) As used in the subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;
- (c) The State Committee of Plumbing Examiners shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction for plumbers,

restricted plumbers, plumbing inspectors licensing, backflow technician & repair certificates and is:

- 1) An active duty military service member stationed in the State of Arkansas;
 - 2) A returning military veteran applying for licensure within one (1) year of his or discharge from active duty; or
 - 3) The spouse of a person under this section.
- (d) The State Committee of Plumbing Examiners shall grant such automatic licensure upon receipt of all of the below:
- 1) Payment of the initial licensure fee;
 - 2) Evidence that the individual holds a substantially equivalent license in another state; and
 - 3) Evidence that the applicant is a qualified applicant under the required provisions of this section.

SECTION XIX. HEARINGS

In the case of each final order issued by the Department, any affected party may within thirty (30) days of such order submit a written request for hearing to the Director of the Department. **NOTICE:** All hearing will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

SECTION XX. 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 XXI. REPEAL

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

SECTION XXII. CERTIFICATION

This will certify that the foregoing Rules Pertaining to Plumbers License Fee, Expiration, Renewal, Journeyman Plumber, Master Plumber and Restricted Plumber Qualifications were adopted by the Arkansas Board of Health on the 1st day of August, 2019.


José Romero, MD
Secretary of Health
Arkansas Department of Health