

ARKANSAS REGISTER

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



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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, 17-38-201 et seq.

Rule Title: Rules Pertaining to Restricted Plumber License Gas fitters and Gas Utility

Intended Effective Date
(Check One)

Date

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|--|---------------------------------------|-----------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | <u>1/24/22</u> |
| <input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | <u>2/25/22</u> |
| <input type="checkbox"/> Other _____
(Must be more than 10 days after filing date.) | Reviewed by Legislative Council | <u>4/22/22</u> |
| | Adopted by State Agency | <u>10/28/21</u> |

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

Laura Shue Laura.Shue@arkansas.gov 4/28/22
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

4/28/22

Date

**RULES PERTAINING
TO RESTRICTED PLUMBERS LICENSE GAS
FITTER AND GAS UTILITY**

Effective Date: May 8, 2022

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 II. PURPOSE

- (a) No person shall engage in work as a Master Plumber, Journeyman Plumber, Apprentice Plumber or restricted license holder called for under Act 200 of 1951 as amended unless first licensed or registered to do so by the Department of Health.

SECTION III. DEFINITIONS

- (a) The State Board means the Arkansas State Board of Health.
- (b) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.
- (c) 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.
- (d) Supervisor 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.
- (e) Gas Fitter means a person trained and skilled in the practical installation of gas piping, appliances, fixtures, devices and appurtenances.
- (f) 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. Gas Fitter Trainees shall register with the Department in order to record the training and experience gained under Supervisor Gas Fitter.
- (g) Arkansas State Gas Code means those rules governing the installation of piping, fixtures, appliances,

devices and appurtenances in connection with gas installations, specifically Chapter Fifteen (15) of the Arkansas State Plumbing Code. These rules are published separately as the Arkansas State Gas Code as a convenience for the gas industry not needing the complete Arkansas State Plumbing Code.

- (h) Restricted area means any specific location in the state, small towns and/or rural water, sewer, gas improvement district or utility company.
- (i) Gas Utility License means a license for all gas utilities having gas servicepersons.

SECTION IV. 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 he is licensed.
- (b) Persons holding a Restricted Gas Fitters Plumber's License shall not be eligible to use experience gained under such license to obtained credit toward other forms of licenses issued by the Department.
- (c) Persons holding a Restricted Gas Fitter Plumber's License shall not transfer a license from one phase of plumbing to any other phase or move from one area of restriction to another without first submitting a new application to the Department.
- (d) The Gas Utility License shall cover all of the utility's gas serviceperson for installation and service by the utility, providing that the utility requires each such serviceperson be specially trained for such service. The Utility shall be responsible to the Department for each serviceperson and shall provide an identification card showing the utility license name, utility license number and the restricted service of the serviceperson. The Utility shall register each serviceperson and their serial numbers with the Department. Such servicepersons are expressly not eligible for any gas work or service for other than the utility and in the name of the utility.

SECTION V. QUALIFICATIONS

- (a) An applicant for a Restricted Gas Fitter Plumber's License and Gas Utility License shall show proof that he is qualified to perform the phase of plumbing for which he is requesting.
- (b) An application for a Supervisor Gas Fitter Plumber's License shall have a minimum experience of one (1) full year as a licensed Gas Fitter and shall successfully pass the examination prescribed.
- (c) An applicant for Gas Fitter Plumber's License shall have served two (2) years as a Registered Gas Fitter Trainee and shall successfully pass the examination prescribed.
- (d) An applicant for Gas Fitter Trainee shall have a general aptitude for training and shall complete an agreement with an employer and Supervisor Gas Fitter for a two (2) years training period.

SECTION VI. 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 Examiners.

- (c) All Gas Fitter and Supervisor Gas Fitter applicants shall be examined by the Department to determine competency to perform as a Restricted Gas Fitter Plumber and on the rule that may affect their operation.
- (d) All Gas Fitter and Supervisor Gas Fitter applicants shall be examined on the basis of competency of the restricted phase of plumbing he may be performing and on laws, rules and rules that may affect their operation.
- (e) Gas Utility Serviceperson license application is made by the gas utility. The gas utility submits the name, date of birth and social security number of the licensee. The utility is responsible for the licensee's training, supervision, and renewals. The utility shall notify the Department when the serviceperson's employment status changes as such to require license cancelation.
- (f) Gas Utility Serviceperson licenses are not transferable.

SECTION VII. TERMS OF LICENSE AND RENEWALS

- (a) Holders of Restricted Gas Fitter Plumber Licenses issued under the provision of this rule may apply for renewal annually within thirty (30) days after the expiration date of the license. The Department may renew a license after the thirty (30) day period providing there is sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by the rule.

SECTION VIII. REVOCATION OF LICENSE

- (a) The Committee of 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 violated any provision of these rules, any rule or order prescribed by the Board or has demonstrated incompetency to act as a Restricted Gas Fitter Plumber.
- (b) The use 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 Examiners providing the licensee is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Regulation of the Arkansas Department of Health.

SECTION IX. HEARINGS

In the case of each final order issued by the Department, any affected party may within 30 days of such order submit a written request for a hearing to the Director of the Department.

NOTICE:

All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

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.

SECTION.XII CERTIFICATION

This will certify that the foregoing Rules Pertaining to Restricted Plumbers License Gas Fitter and Gas Utility were adopted by the Arkansas Board of Health on the 28th of October, 2021.



José Romero, MD
Secretary of Health
Arkansas Department of Health