

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

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 ~~Service man~~Service person 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. **APPLICATION / EXAMINATION FEES**

- (a) The **application /** examination fees for Master, Restricted ~~Supervising Supervisor~~ Solar Mechanic, Restricted Residential Maintenance, Restricted Governmental Maintenance, Restricted ~~Supervising Supervisor~~ Hospital Maintenance, Restricted Water and Sewer Service Line Installation and Restricted ~~Supervising Supervisor~~ Gas Fitter Plumbers shall be one hundred twenty-five dollars (\$125.00).
- (b) The **application /** 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 **application/** examination fees must accompany the application when submitted.

SECTION V. LICENSE FEES

- (a) The license fee for Master, Restricted ~~Supervising Supervisor~~ 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 Supervisor~~ 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 Supervisor~~ 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 ~~Service man~~ Service person 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. QUALIFICATIONS FOR INITIAL LICENSURE FEES WAIVER

- (a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - 1) Are receiving assistance through the State of Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children

(SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

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

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

(b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

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

3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

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

SECTION VII. 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~~ penalty of (\$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 VIII. 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 as a Plumbing Inspector.

SECTION ~~VIII~~IX. 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 back fees 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 dollars (\$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 ~~XI~~. 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 plumber's 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 the other jurisdiction(s); and

b. Completion of required forms from the 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.

(ae) 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 XIII. 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 Reciprocation 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 a Journeyman Plumber licensing must hold that license for one (1) full year before becoming eligible for the 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~~XIV. 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~~XV. 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~~ Supervisor 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 XVI. PLUMBING and ~~for~~ 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 ~~post online read only furnish one copy copies of the~~ Plumbing and Gas Code ~~to each local inspection program, gas utility company, or library free of charge~~. Any additional ~~hardcopies or electronic copies of the~~ codes and/or amended versions of existing codes ~~may be obtained from the publisher and may shall~~ require fees ~~as outlined above~~.

SECTION XVII. 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 XVIII. 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 ~~the 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 XVIIIIX. Uniform Service Members Licensure
~~LICENSURE, CERTIFICATION, OR PERMITTING OF ACTIVE DUTY SERVICE~~
~~MEMBERS, RETURNING VETERANS, AND SPOUSES ARK CODE 17-1-106~~

1. Definitions

- (a) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- (b) "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- (c) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

2. Applicability

This Rule applies to a:

- (1) uniformed service member stationed in the State of Arkansas;
- (2) uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- (3) The spouse of (1) or (2) including a:
 - (a) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;
 - (b) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

3. Automatic Licensure

Automatic Licensure shall be granted to persons listed in section 2 if:

- (a) The person 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) The person pays the applicable -licensure fee in SECTION V LICENSE FEES unless eligible for fee exemption through Act 725 of 2021.

4. Credit toward initial licensure

Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

5. 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 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 with in the one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

~~(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 plumber 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,XX~~ 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 hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

SECTION ~~XXI~~. SERVABILITY 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~~.

Jose Romero, MD
Secretary of Health
Arkansas Department of Health

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule?

- 2. What is the subject of the proposed rule?

- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation.

- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes No
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

7. What is the purpose of this proposed rule? Why is it necessary?

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**SUMMARY OF CHANGES TO RULES
PERTAINING TO
PLUMBERS LICENSE FEE, EXPIRATION, RENEWAL,
JOURNEYMAN PLUMBER, MASTER PLUMBER AND RESTRICTED PLUMBER
QUALIFICATIONS**

Section III – Definitions

- ✓ Serviceperson replaces Serviceman.

Section IV – Examination Fees

- ✓ Examination Fees have been replaced with Application/ Examination Fees. Reciprocal licenses may not be subject to examinations but will require additional administrative actions that are equivalent to the creation and administration of examinations.
- ✓ Supervisor replaces the term Supervising to align with the licensing title used by the Department.

Section VI - Qualifications for Initial Licensure Fees Waiver

- ✓ This Section was inserted to comply with Act 725 of 2021, outlining the qualifications and requirements for certain individual to acquire a fee waiver for their initial licensing.

Section VII - XVIII

- ✓ Have been renumbered to accommodate the insertion of Section VI - Qualifications for Initial Licensure Fees Waiver.

Section XVI Plumbing and Gas Code.

- ✓ Revised the title and language of this Section to remove the outdated fees. The cost of these publications has gone up over the years and this Department does not stock or sale code book. The publishing company holds the copyrights to these the publications. We do, post these codes online for public access in a read only format per our agreement with the publisher.

Section XVIII- Temporary Permits / Provisional Licensing

- ✓ The title “Master” was followed by “and/or plumber”. As this rule doesn’t seem to exclude other types of plumbing or restricted plumbing licenses, the words “Master and/or” have been stricken.

Section XIX –Uniform Service Members Licensure

- ✓ Replaces Licensing of Active-Duty Service Members, Veterans, and Spouses
- ✓ This section details the parameters and process to comply with laws pertaining to the licensing of Uniform Service Members Licensure under Act 135 of 2021