

FINAL

224-25-5-1. ISSUANCE OF LICENSE

(a) All licenses will be issued under the name and address listed on the front of the application form. The use of any other name may constitute a violation. It is the responsibility of the licensee to inform the Committee in writing of any name, address, ownership or any other change relating to said license within 15 days of such change.

(b) All applications must be filed in one of five categories; (1) individual, (2) partnership, (3) corporation, (4) limited liability company or (5) limited liability partnership. Each application must be supported by a qualifying party, who has satisfactorily completed such examination as may be required by the Committee, prior to being issued a license. Anyone failing to pass such examination may be reexamined at any regular examination period, upon payment of proper fee. Should the qualifying party (business and law or trade) leave a licensed entity, written notice shall be given within fifteen (15) days to the Committee. The notice shall state the name and position of individual leaving and the name and position of the individual who will replace the departing qualifier. The replacement qualifier must be fully qualified within thirty (30) days of the departure of the previous qualifier. Any license not renewed within two years of expiration shall not be renewed.

224-25-5-2. LICENSE EXPIRATION & RENEWAL

(a) Expiration. All licenses shall expire at midnight of the date of its expiration.

(b) Renewal.

(1) Renewal notices will be mailed approximately 60 days prior to the expiration of a license. However, it shall be the responsibility of the holder of the License to renew said license. Failure to receive a renewal notice shall not excuse the failure to timely renew. A renewal application will be considered timely filed if received by the Committee by the expiration date.

(2) Renewal applications received by the Committee prior to the expiration date of the license shall be accompanied by the on-time renewal fee and the licensee may continue to use the license until the next meeting of the Committee following the expiration date of the license.

(3) Renewal applications received within thirty (30) days after the expiration of the license shall be accompanied by the late renewal fee. UPON RECEIPT OF THE APPLICATION, the license shall be deemed to be reinstated until the Committee has met and acted upon the renewal. The reinstatement of a license does not reinstate the license for the time period between the expiration of the license and the receipt of the application by the Committee.

(4) Any renewal application received more than thirty (30) days after the expiration of the license shall be accompanied by the late renewal fee and may be reviewed by the Committee at its next available meeting. The applicant shall not have a valid license until said application is approved by the Committee. A license may be renewed up until two (2) years after its expiration date. Any license expired two (2) years or more shall not be renewed.

224-25-5-3. LICENSE APPLICATIONS

Any new application not complete within ninety (90) days after original receipt in our office will become invalid. Any new application not passing the Committee's review will be considered invalid after ninety (90) days from the date of its original review. During the ninety (90) day period, the applicant may have the opportunity to make corrections or improvements needed in the application in order to warrant the issuance of a license. After an application becomes invalid a new application and fee must be submitted for consideration to obtain a license.

224-25-5-4. LICENSE FEES

(a) New Applications (Individuals or Entities Not Licensed by the Contractors Licensing Board). All new applications for Residential Builder by individuals or entities not currently licensed by the Contractors Licensing Board must be accompanied by a One Hundred Dollar (\$100.00) application/licensing fee. This fee is non-refundable.

(b) New Applications (Individuals or Entities Not Licensed by the Contractors Licensing Board). All new applications for Residential Remodeler or Residential Specialty Contractors by individuals or entities not currently licensed by the Contractors Licensing Board must be accompanied by a Fifty Dollar (\$50.00) application/licensing fee. This fee is non-refundable.

(c) New Applications (Individuals or Entities Currently Licensed by the Contractors Licensing Board). Individuals or entities currently licensed by the Contractors Licensing Board need not submit an application or licensing fee, however, they must submit an amended class request form and meet the requirements for a license.

(d) Renewal Applications (Individuals or Entities Not Licensed by the Contractors Licensing Board). All renewal applications for Residential Builder by individuals or entities not currently licensed by the Contractors Licensing Board must be accompanied by a Fifty Dollar (\$50.00) licensing fee, if the renewal application is timely filed. If the application is not timely filed, the application shall be accompanied by a One Hundred Dollar (\$100.00) licensing fee. This fee is non-refundable.

(e) Renewal Applications (Individuals or Entities Not Licensed by the Contractors Licensing Board). All renewal applications for Residential Remodeler or Residential Specialty Contractor by individuals or entities not currently licensed by the Contractors Licensing Board must be accompanied by a Twenty Five Dollar (\$25.00) licensing fee, if the renewal application is timely filed. If the application is not timely filed, the application shall be accompanied by a Fifty Dollar (\$50.00) licensing fee. This fee is non-refundable.

(f) Renewal Applications (Individuals or Entities Currently Licensed by the Contractors Licensing Board). Individuals or entities which have a Contractors License shall only pay the renewal fee for the Contractors License. No additional fee is required.

224-25-5-5. INACTIVE STATUS

A holder of a license may choose to become inactive in the State of Arkansas at the time of any renewal. A license holder who is inactive may not bid on any contract, pull any permit, nor perform any work for which a license is required. A license holder who elects inactive status must pay all renewal fees, but is not required to submit financial information to the Committee. A license holder who is on inactive status may reactivate its license by making a request to the Committee and providing all necessary information required to renew as an active license holder. A license holder may remain on inactive status for a period of time not to exceed six (6) consecutive years.

224-25-5-6. EXPERIENCE REQUIRED

(a) Residential Building.

(1) In order to show appropriate experience, qualifications and ability to perform in Residential Building, the following must be provided:

(A) Proof of four (4) years of appropriate verifiable experience in the Building industry (commercial or residential) must be shown.

(B) Three verifiable references on the forms prescribed by the Committee.

(C) Compliance with all other state laws and regulations reasonably connected to the performance of residential building.

(2) The Committee will take into consideration past performance, complaints, or violations of the law or regulations of the Committee and of the Contractors Licensing Board.

(b) Residential Remodeler.

(1) In order to show appropriate experience, qualifications and ability to perform residential remodeling, the following must be provided:

(A) Proof of **two (2) years** of appropriate verifiable experience in the remodeling industry (commercial or residential) must be shown.

(B) Three verifiable references on the forms prescribed by the Committee.

(C) Compliance with all other state laws and regulations reasonably connected to the performance of residential remodeling.

(2) The Committee will take into consideration past performance, complaints, or violations of the law or regulations of the Committee and of the Contractors Licensing Board.

(c) Specialties.

(1) In order to show appropriate experience, qualifications and ability to perform residential specialty contracting, the following must be provided:

(A) Proof of appropriate verifiable experience in the specialty area (commercial or residential) must be shown.

(B) Three verifiable references on the forms prescribed by the Committee.

(C) Compliance with all other state laws and regulations reasonably connected to the performance of residential remodeling.

(2) The Committee will take into consideration past performance, complaints, or violations of the law or regulations of the Committee and of the Contractors Licensing Board.

224-25-5-8. FINANCIAL REQUIREMENTS

(a) Residential Building Contractors, Unlimited Residential Remodelers, Unlimited Residential Specialty Contractors

(1) All new and renewal applications must be submitted with a compiled financial statement of the applicant, showing a positive net worth excluding the applicant's homestead and retirement accounts.

(2) All financial statements must be submitted on the form approved by the Committee or in a similar format such as to provide the Committee with the information sufficient to adequately review the financial status of the applicant. All financial statements must be sworn to be true and correct. Corporations, Partnerships and Limited Liability Companies, etc., must file a business financial statement, not a personal financial statement.

(b) Limited License Residential Remodelers, Limited License Residential Specialty Contractors

(1) No financial statement shall be required. A contractor holding a Limited License is not authorized to perform a project if the cost of the work to be done in the State of Arkansas, including, without limitation, labor and material, is \$20,000 or more.

(c) (1) If the Committee determines that the financial information provided by an applicant for a new or renewal license does not satisfy the

financial requirements, the Committee may, at its option, deny the application or place the application in Improve status.

(2) A renewal applicant who is placed in Improve status will have its license extended until the next regular meeting of the committee, pending further information being provided and/or changes being made by the applicant to resolve any difficulties. The license is effective only until the next regular meeting of the Committee and will expire at the next regular meeting unless further action is taken by the Committee.

(d) The Committee will also consider past performance, complaints and ability to perform in determining whether to issue a new or renewal license.

224-25-5-9. CLASSIFICATIONS

(a) A contractor licensed as Residential Building Contractor or a Residential Remodeler is considered to be a “general contractor” and is authorized to perform any of the “specialties” associated with the classification in question. A contractor licensed as a Residential Specialty Contractor is authorized to only perform the functions of the specific specialty for which a license is held. It is the responsibility of the applicant for a classification or a specific specialty to show appropriate experience and qualifications in each classification requested and demonstrate the ability to perform said classification.

(b) A licensee may perform Construction Management in the classification its licensed.

(c) A contractor shall maintain proper personnel, financial ability and facility to perform for the owner: coordination, development and management expertise for the project.

(d) CLASSIFICATIONS AND SPECIALTIES – A contractor holding a classification may perform any of the functions listed under that classification. Performing work not listed under that classification may constitute a violation.

OUTLINE OF CLASSIFICATIONS

(1) Residential Building Contractor

Additions

Awnings, Canopies

Base & Paving

- a. Base Construction
- b. Hot & Cold Mixes
- c. Surface Treatment
- d. Asphalt
- e. Concrete Paving

Boat Docks

Carpentry, Framing, Millwork, Cabinets

Ceilings, Wall Systems, Acoustical Treatments

Central Vacuum Systems

Chimneys, Fireplaces

Concrete

Countertops

Demolition

Detached Garage, Storage Building, Detached Structures

Drywall

Erosion Control

Excavation

Fencing, Gates

Floors, Floor Coverings

Foundation Construction or Drilling, Pile Driving, Stabilization

Glass, Glazing, Doors, Windows

Grading & Drainage (Includes Grading, Drainage, Pipe & Structures,
Culverts, Clearing, Grubbing & Rip Rap)

Greenhouses and Sunrooms

Insulation

Interior Work

Kitchen and Bathroom Renovations

Landscaping, Irrigation, Lawn Sprinklers, Streams

Lathe, Plaster, Stucco, Dryvit, EIFS

Masonry

Metal Building Erection

Metal Studs, Walls

New Home Construction

Overhead Doors

Painting, Wall Covering

Remodeling, Renovations, Restoration, Alterations
Retaining Walls
Roofs, Roof Decks
Siding, Soffit, Facia & Gutters
Skylights, Solar Systems
Special Coatings or Applications, Caulking, Waterproofing
Steel, Alloy, Ornamental, Metal Fabrication, Welding
Swimming Pools, Spas
Tile, Terrazzo, Marble

(2) Residential Remodeler

Additions

Awnings, Canopies

Base & Paving

- a. Base Construction
- b. Hot & Cold Mixes
- c. Surface Treatment
- d. Asphalt
- e. Concrete Paving

Boat Docks

Carpentry, Framing, Millwork, Cabinets

Ceilings, Wall Systems, Acoustical Treatments

Central Vacuum Systems

Chimneys, Fireplaces

Concrete

Countertops

Demolition

Detached Garage, Storage Building, Detached Structures

Drywall

Erosion Control

Excavation

Fencing, Gates

Floors, Floor Coverings

Foundation Construction or Drilling, Pile Driving, Stabilization

Glass, Glazing, Doors, Windows

Grading & Drainage (Includes Grading, Drainage, Pipe & Structures,
Culverts, Clearing, Grubbing & Rip Rap)

Greenhouses and Sunrooms

Insulation

Interior Work

Kitchen and Bathroom Renovations

Landscaping, Irrigation, Lawn Sprinklers, Streams

Lathe, Plaster, Stucco, Dryvit, EIFS
Masonry
Metal Building Erection
Metal Studs, Walls
Overhead Doors
Painting, Wall Covering
Remodeling, Renovations, Restoration, Alterations
Retaining Walls
Roofs, Roof Decks
Siding, Soffit, Facia & Gutters
Skylights, Solar Systems
Special Coatings or Applications, Caulking, Waterproofing
Steel, Alloy, Ornamental, Metal Fabrication, Welding
Swimming Pools, Spas
Tile, Terrazzo, Marble

(3) SPECIALTIES (Specific)

A contractor may obtain one or more of the Specialty Classifications by proper qualifications shown. The list of those Specialty Classifications Is:

SPECIALTIES

Awnings & Canopies

Base & Paving

- a. Base Construction
- b. Hot & Cold Mixes
- c. Surface Treatment
- d. Asphalt
- e. Concrete Paving

Boat Docks

Carpentry, Framing, Millwork, Cabinets

Ceilings, Wall Systems, Acoustical Treatments

Central Vacuum Systems

Chimneys, Fireplaces

Communication, Computer or Sound Systems, Cabling

Concrete

Countertops

Demolition

Detached Garage, Storage Building, Detached Structures

Drywall

Excavation

Fencing, Gates

Floors, Floor Covering
Foundation Construction or Drilling, Pile Driving, Stabilization
Glass, Glazing, Doors, Windows
Grading & Drainage (Includes Grading, Drainage, Pipe & Structures,
Culverts, Clearing, Grubbing & Rip Rap)
Greenhouses and Sunrooms
Insulation
Kitchen and Bathroom Renovations
Landscaping, Irrigation, Lawn Sprinklers, Streams
Lathe, Plaster, Stucco, Dryvit, EIFS
Masonry
Metal Studs, Walls
Overhead Doors
Painting, Wallcovering
Rebar
Retaining Walls
Roofing, Roof Decks
Siding, Soffit, Facia, Gutters
Skylights, Solar Systems
Special Coatings or Applications, Caulking, Waterproofing
Steel, Alloy, Ornamental, Metal Fabrication, Welding
Swimming Pools, Spas
Tile, Terrazzo, Marble

224-25-5-10. COMPLAINTS & INVESTIGATIONS

(a) The purpose of the complaints procedure is to effectively deal with issues affecting the licensure of licensees. The complaints procedure is not intended to function as a dispute resolution process or a code enforcement process. Any complaint registered with the Committee of alleged violations must be submitted in writing with proper information to identify job site, owner if possible, any name and phone numbers of individuals and any other information that may tend to be useful in the investigation. The Complainant must furnish his/their name, address and phone number in order to obtain any other information that may be necessary for proper investigation. A written response will be made to a Complainant when investigation is closed.

(b) A contractor who is licensed shall cooperate with any investigation and provide the Committee or the Contractors Licensing Board with all relevant information requested by the Committee or Board. The failure to cooperate or to timely provide the Committee or Board with relevant information as requested may constitute misconduct in the conduct

of the contractors business and may subject the contractor to the revocation of the contractors license.

(c) The Committee may delegate to the administrator/investigator the authority to obtain licensee compliance as may be necessary. The administrator/investigator will conduct all investigations in such a manner that would be complimentary to the licensing law.

(d) Any application being denied because of a violation of Ark. Code Ann. § 17-25-101 through 17-25-513 may become invalid and a new application must be submitted.

(e) It is the stated purpose of the residential and home improvement law to protect homeowners and the purchasers of homes constructed in this state. Because Act 1208 expands the coverage of the residential law to include home improvement contractors, it is the intent of the Residential Contractors Committee to focus the enforcement of the law during the first year of its enactment through December 31, 2012, primarily on contractors that are harming homeowners. The intent of the Committee will be accomplished by placing emphasis on consumer complaints and contractors working in disaster areas. Because it is not the intent to punish those who are initially unaware of the law, the Committee will endeavor to educate the consumers and contractors as to the requirements of the law through December 31, 2012.

224-25-5-11. HEARINGS & APPEALS

(a) All hearings and appeals of decisions of the Committee will be held in accordance with the Ark. Code Ann. § 17-25-501 et seq. and the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et. seq.

(b) Appeals to the Contractors Licensing Board.

(1) Appeals from decisions of the Residential Building Contractors Committee to the Contractors Licensing Board shall be in writing and filed with the Contractors Licensing Board within 10 calendar days of the date the decision was served upon the respondent.

(2) A transcript of the original hearing(s) will be ordered and filed with the Contractors Licensing Board. A copy of the transcript will be provided to the respondent upon request. In the event the Contractors Licensing Board affirms or modifies, but does not reverse the decision of the

Committee, the respondent will be responsible for the cost of the appeal. Said cost include, but are not limited to, the cost of the transcript. Said cost are in addition to any civil penalties or other sanction imposed.

(3) The Contractors Licensing Board will review the decision of the Committee in accordance with its Rules and Regulations.

224-25-5-13. DEFINITIONS

(a) **Ownership:** When the terms **His** own or **Its** own property is used in the Residential Builder licensing law, it shall mean sole and exclusive right to sell or convey the property.

(b) **Qualifying party:** A person who has passed the appropriate examination or is the experience qualifier for the licensee. To act as a “qualifying party” a person must be either: (1) a sole owner; (2) a partner of the partnership; (3) an officer of the corporation who is actively engaged in the day to day activities of the company; (4) a member of the Limited Liability Company who is actively engaged in the day to day activities of the company; (5) a partner of the Limited Liability Partnership who is actively engaged in the day to day activities of the company; or (6) a full time employee.

(c) **Full time employee:** A person who is an actual employee of the business, not an independent contractor. The person must work, on average, 30 or more hours a week for the business (1500 hours per year), must not be paid as an independent contractor (not receive a “1099” for his earnings but receive a “W-2” for his earnings). A full time employee is not someone who is hired “job to job” as needed. Other factors to be considered in making this determination include, but are not limited to: whether the business pays for workman’s compensation insurance on the individual, whether the business pays payroll taxes on the individual, the amount of control the business has over the activities of the individual, the ownership of the tools used by the individual and, whether the individual maintains his own business separate from the business in question.

(d) **Residential Remodeling:** Any construction on a single-family residence involving structural changes, improvements, repairs or additions.

(e) **Residential Building Contractor:** The term “Residential Building Contractor” as found in Ark. Code Ann. § 17-25-502(2) does not

include a developer who has constructed a residential project, if the developer:

(1) Contracts with a properly licensed contractor to perform a turnkey project; and

(2) The licensed contractor gives a written warranty at closing of not less than one year to the buyer of the residence.

(f) Own residence: The term “own residence” as found in Ark. Code Ann. § 17-25-509(c) and Ark. Code Ann. § 17-25-513 means the personal residence, the principal place of abode, the domicile, a residence constructed for the occupancy of the person who owns the property.

224-25-5-14. DISPLAY OF NAME AND LICENSE NUMBER

Each contractor holding a license from the Committee shall display in a prominent, legible manner the license number and contractor’s name, as licensed, in letters not less than three inches high on a sign prominently displayed at all residential job sites.