

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 Labor and Licensing

Department Contractors Licensing Board

Contact Greg Crow E-mail gregory.crow@arkansas.gov Phone 501-371-1500

Statutory Authority for Promulgating Rules ACA 17-25-203(a)

Rule Title: Contractors Licensing Board Rules 224-25-1-13

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

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

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Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date
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7.20.22

8.27.21

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

Sherry Seiffert Sherry.Seiffert@arkansas.gov 7.27.22
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]
Signature

501-371-1500 gregory.crow@arkansas.gov
Phone Number E-mail Address

Administrator
Title

7.27.22
Date

224-25-1 ISSUANCE OF LICENSE OR REGISTRATION

(a) All Contractors licenses or Registrations 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 contractor to inform the Contractors Licensing Board in writing of any name, address, ownership or any other change relating to said license or Registration within 15 days of such change.

(b)(1) All applications for a Contractors license or Registration in the State of Arkansas must be filed as either: (1) individual, (2) partnership, (3) corporation, (4) limited liability company or (5) any other business organization recognized by the Arkansas Secretary of State's Office.

(2) Each application for a license must be supported by a qualifying party, who has satisfactorily completed such examination as may be required by the Board, prior to being issued a license to engage in contracting in the State of Arkansas. Anyone failing to pass such examination may be re-examined 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 Contractors Licensing Board. The notice shall state the name and position of the 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 be required to re-qualify by examination process, as may be required at the time.

224-25-2 LICENSE OR REGISTRATION EXPIRATION & RENEWAL

(a) Expiration. All licenses and registrations to engage in the business of contracting in the State of Arkansas shall expire at midnight of the date of its expiration. However, a license or registration held by an active duty service person, or their spouse, who is on deployment outside the State of Arkansas shall not expire until 180 days following their return to the State.

(b) Renewal.

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

(2) License renewal applications received by the Board prior to the expiration date of the license shall be accompanied by a renewal fee of \$50.00 and the licensee may continue to use the license until the next meeting of the Board following the expiration date of the license.

(3) License renewal applications received within thirty (30) days of the expiration of the license shall be accompanied by a \$100.00 renewal fee. Upon the receipt of the application the license shall be deemed to be reinstated until the Board 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 Board.

(4) Any license renewal application received more than thirty (30) days after the expiration of the license shall be accompanied by a \$100.00 fee and may be reviewed by the Board at its next available meeting. The applicant shall not have a valid license until said application is approved by the Board. A license may be renewed up until two (2) years after its expiration date. Any license expired two (2) years or more may apply for reinstatement.

(5) Any license renewal application not meeting the requirements of the Board at its' initial review, but being placed in an "improve status" will constitute an extension of the existing license until the next available board meeting, at which time the license will expire if a new license is not issued unless it is again placed in "improve" status.

224-25-3 LICENSE AND REGISTRATION APPLICATIONS

Any application not complete within ninety (90) days after original receipt in our office will become invalid. Any application not passing the Board'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 or registration. After an application becomes invalid a new application and fee must be submitted for consideration to obtain a Contractors License or registration.

224-25-5 CLASSIFICATION & EXPERIENCE

(h) Any contractor holding a specialty classification for which a license or permit is required by another licensing or permitting authority, must hold the necessary license or permit in order to receive a license or registration from the Board.

224-25-7 BIDDING & CLASSIFICATION

(b) Any project being advertised for bid in the State of Arkansas for construction, erection, alteration, or repair of any building or any other structure, must be bid by a licensed prime contractor. However, if the Electrical and Mechanical classification,

considered together, or any other licensed classification, considered by itself, should constitute 80% or more of the total project, the holder of that classification may bid as a prime contractor on the project. A prime Contractor accepts full responsibility for any project except as may be written in the contract with owner.

(e) A Contractor holding the Building classification may enter into general contracts for building construction including all specialty items required in the contract to make the building usable for the purpose intended and may perform these items with his own forces, if qualified, or may sublet such work to qualified specialty contractors skilled in the particular fields involved. It is the specific responsibility of the prime contractor to furnish the skills required for the proper performance of all the work included in the contract.

224-25-8 COMPLAINTS & INVESTIGATIONS

(a) The purpose of the complaints procedure is to effectively deal with issues effecting the licensure or registration of Contractors. The complaints procedure is not intended to function as a dispute resolution process or a code enforcement process. Any complaint registered with the Contractors Licensing Board 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 if so requested in writing.

(b) A contractor who is licensed or registered shall cooperate with any investigation and provide the Board with all relevant information requested by the Board. The failure to cooperate or to timely provide the 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 or registration.

(c) The Contractors Licensing Board may delegate to the administrator/investigator the authority to obtain contractor compliance as may be necessary. The administrator/investigator will conduct all investigations in such a manner that would be complimentary to the Licensing and Registration Law for Contractors.

224-25-13 REGISTRATION

(a) Pursuant to Ark. Code Ann. § 17-25-102, a contractor may register with the Board. The contractor shall complete the form required by the Board and submit the appropriate fee. A contractor may register for any of the specialty classifications listed in Rule 6(i). The contractor must certify its competence and financial ability to perform the functions for which it is registering.

(b) The Registration fee, for both original and renewal, shall be one hundred dollars (\$100).