



# State of Arkansas

## CONTRACTORS LICENSING BOARD

4100 Richards Road  
North Little Rock, Arkansas 72117  
501/372-4661  
Fax 501/372-2247

### **Summary of Contractor Licensing Board's proposed rules stemming from the 2021 legislative session.**

These proposed rules are regarding: Process for Fee Waiver, Applicants with Criminal Backgrounds, Creating a Process for Military Licensure, and Creating a Registration Process for Residential Roofers.

**Purpose:** The Contractor's Licensing Board is seeking approval of proposed rules propounded in response to new laws passed during the 2021 Legislative Session.

**Authority:** The Contractor's Licensing Board has authority to make rules pursuant to 17-25-203.

**Background:** The Arkansas Legislature passed a variety of bills during the 2021 Regular Session that impacted the Contractor's Licensing Board. As a result, it is necessary to promulgate rules to properly implement the laws enacted.

### **Key Points:**

The proposed rules:

1. Create a process for licensing fees if the applicant is indigent
2. Create a process for licensing Active/Retired military and their spouses
3. Establish guidelines for considering criminal backgrounds in the licensing process
4. Create a registration process for residential roofers

**Discussion:** The new laws implemented changes across a large swath of government agencies. The rules are necessary to implement legal requirements specific to this agency.

Notice is hereby given that the Contractors Licensing Board and the Residential Contractors Committee will hold a public hearing on their proposed changes to their Rules. The Public Hearing will be held on June 07, 2022 at 9:00 a.m. at the offices of the Contractors Licensing Board, 4100 Richards Road, North Little Rock, AR. Written comments from the public will be accepted in advance of the meeting if received prior to June 07, 2022. Written comments should be mailed to: Contractors Licensing Board, 4100 Richards Road, North Little Rock, AR 72117. Proposed modifications to the Rules include, but are not limited to: Subcontractor Registration; Bond in Lieu of a Financial Statement; Military Licensure; Fee Waivers; Criminal Background Checks; Residential Roofer Registrations; and grammatical and stylistic changes to existing rules. Copies of the proposed Rules may be reviewed at the Boards website: [www.aclb.arkansas.gov](http://www.aclb.arkansas.gov) .

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet

Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)

Name of Department Arkansas Department of Labor and Licensing  
Agency or Division Name Contractors Licensing Board  
Other Subdivision or Department, If Applicable Residential Contractors Committee  
Previous Agency Name, If Applicable \_\_\_\_\_  
Contact Person Greg Crow  
Contact E-mail gregory.crow@arkansas.gov  
Contact Phone 501-371-1500

Name of Rule 224-25-5-9 Classifications and Residential Contractors Committee Rules 224-25-6-1 et seq.  
Newspaper Name Arkansas Democrat Gazette  
Date of Publishing May 02, 2022, May 03, 2022 and May 04, 2022  
Final Date for Public Comment June 07, 2022  
Location and Time of Public Meeting Contractors Licensing Board, 4100 Richards Road, North Little Rock, AR, 72117 // June 07, 2022 at 9:00 a.m.

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Department of Labor and Licensing  
DIVISION Contractors Licensing Board  
DIVISION DIRECTOR Greg Crow  
CONTACT PERSON Greg Crow  
ADDRESS 4100 Richards Road, North Little Rock, AR 72117  
PHONE NO. (501) 372-4661 FAX NO. (501) 372-2247 E-MAIL gregory.crow@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Greg Crow  
PRESENTER E-MAIL gregory.crow@arkansas.gov

**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  
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

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1. What is the short title of this rule? Residential Contractors Committee Rules 224-25-5-9 and 224-25-6-1 et seq.
2. What is the subject of the proposed rule? Creating a process for registration of residential roofers
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."

This rule creates the process for registration of residential roofers.

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

Arkansas Code 17-25-504 and Act 1072 of 2021

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

It is necessary to comply with Act 1072 of 2021.

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).  
www.aclb.arkansas.gov

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

Date: 06/07/2022

Time: 9:00 a.m.

Place: 4100 Richards Road, North Little Rock, AR 72117

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
06/07/2022

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
07/01/2022

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.

Association of General Contractors of Arkansas and Arkansas Building Contractors

## FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Labor and Licensing

DIVISION Contractors Licensing Board

PERSON COMPLETING THIS STATEMENT Sherry Seiffert

TELEPHONE NO. (501) 372-4661

FAX NO. (501) 372-2247

EMAIL: sherry.seiffert@arkansas.gov

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 Residential Contractors Committee Rules 224-25-5-9 and 224-25-6-1 et seq.

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) \_\_\_\_\_  
  
Total \$ 0.00

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \$ 0.00

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) \_\_\_\_\_  
  
Total \$ 0.00

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \$ 0.00

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

\$ 0.00

\$ 0.00

Individuals or entities seeking roofer registration issued by the Residential Contractors Committee may benefit financially, as the cost of registration is less than the cost of licensure. The agency does not anticipate a significant financial impact.

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

\$ 0.00

\$ 0.00



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.

**Rules for Act 1072 of 2021 – Residential Roofers Registration  
Clean Copy**

**224-25-5-9. CLASSIFICATIONS**

(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.

**(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 & Gutters

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

Demolition

Detached Garage, Storage Building, Detached Structures, Metal Buildings

Drywall

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), Excavation

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  
Siding, Soffit, Fascia, Gutters  
Skylights  
Solar Systems  
Special Coatings or Applications, Caulking, Waterproofing  
Steel, Alloy, Ornamental, Metal Fabrication, Welding  
Storm Shelters  
Swimming Pools, Spas  
Tile, Terrazzo, Marble, Countertops

#### 224-25-6-1. ISSUANCE OF REGISTRATION

- (a) All 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 registrant to inform the Committee in writing of any name, address, ownership or any other change relating to said registration within 15 days of such change.
- (b) All applications for a Registration 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.

#### 224-25-6-2. REGISTRATION EXPIRATION & RENEWAL

- (a) Expiration. All registrations shall expire at midnight of the date of its expiration.
- (b) Renewal. Any renewal application not meeting the requirements of the Committee at its initial review, but being placed in an "improve status" will constitute an extension of the existing registration until the next available Committee meeting, at which time the registration will expire if a new registration is not issued.

#### 224-25-6-3. REGISTRATION APPLICATIONS

- (a) Any registration application not complete within ninety (90) days after original receipt by the Committee will become invalid. Any registration 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 make corrections or improvements needed in the application in order to warrant the issuance of a registration. After an application becomes invalid a new application and fee must be submitted for consideration to obtain a registration.

(b)(1) A potential applicant for a registration with a criminal record may petition the Committee at any time for a determination of whether the individual's criminal record will disqualify person or entity from registration and whether he or she will be granted a waiver under Ark. Code Ann. § 17-3-102(b).

(2) The Committee will respond with a decision in writing after the next scheduled Committee meeting following the submission of the completed form.

(3) The Committee's response will state the reason(s) for the decision.

(4) All decisions of the Committee in response to the petition will be determined by the information provided by the applicant.

(5) Any decision made by the Committee in response to a pre-licensure criminal background check petition is not subject to appeal.

(6) The Committee will retain a copy of the petition and response and it will be reviewed during the formal application process.

(c)(1) At the time of registration application, an applicant shall complete the criminal back ground history form contained within the application.

(2) If the applicant shall have been found guilty or pleaded guilty or nolo contendere to any offense that would disqualify the applicant for licensure under Ark. Code Ann. § 17-3-102 or Ark. Code Ann. § 17-25-507(c) the applicant may request a waiver under Ark. Code Ann. § 17-3-102

(3) The applicant may also submit a written statement addressing the request for a waiver under Ark. Code Ann. § 17-3-102.

(4) The Committee may grant a waiver upon consideration of the following, without limitation:

- A. The age at which the offense was committed;
- B. The circumstances surrounding the offense;
- C. The length of time since the offense was committed;
- D. Subsequent work history since the offense was committed;
- E. Employment references since the offense was committed;
- F. Character references since the offense was committed;
- G. Relevance of the offense to the occupational registration; and
- H. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(5) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

(6) The Committee will respond with a decision in writing after the next scheduled Committee meeting following the submission of the completed form.

(7) An appeal of a determination under this section will be pursuant to Ark. Code Ann. §17-25-511.

(8) The Committee may request the applicant to appear before the Committee prior to making a determination.

#### 224-25-6-4. REGISTRATION FEES

New and renewal registration fees shall be Twenty Dollars (\$20.00). This fee is non-refundable.

#### 224-25-6-5. Bond

All bonds required to be filed with the Committee pursuant to Ark. Code Ann. § 17-25-601 et seq. shall be made by surety companies which have qualified and are authorized to do business in the State of Arkansas. The bonds shall be executed by a resident or nonresident agent, broker or producer licensed by the Arkansas Insurance Commissioner to represent the surety company executing the bond and shall file with the bond the agent's, broker's or producer's power of attorney to demonstrate his authority. The bond shall be issued on a form approved by the Committee.

**Rules for Act 1072 of 2021 – Residential Roofers Registration  
Mark Up Copy**

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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, Roofing Sheet Metal~~  
Siding, Soffit, Fascia, Gutters  
Skylights  
Solar Systems  
Special Coatings or Applications, Caulking, Waterproofing  
Steel, Alloy, Ornamental, Metal Fabrication, Welding  
Storm Shelters  
Swimming Pools, Spas  
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