

# 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 / Residential Contractors Committee

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

Statutory Authority for Promulgating Rules ACA 17-25-504(4); 17-25-602

Rule Title: 224-25-5-9 Classifications & Residential Contractors Committee Rules 224-25-6-1 et. seq.

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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Adopted by State Agency ..... 8-25-21

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  
Admin  
Title  
7/27/2022  
Date

**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.