

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Proposed Rulemaking

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Title

Promulgated by:

**Contractors Licensing Board, Department of Labor and Licensing
Residential Contractors Committee**

Title 17. Professions, Occupations, and Businesses

Chapter LV. Residential Contractors Committee, Contractors Licensing Board, Department of Labor and Licensing

Subchapter A. Generally

Part 295. Rules of the Residential Contractors Committee

Subpart 1. Residential Contractors Committee

17 CAR § 295-101. Definitions.

As used in this part:

(1) "Ownership" means sole and exclusive right to sell or convey property when the terms his own or its own property is used in the residential builder licensing law;

(2)(A) "Qualifying party" means a person who has passed the appropriate examination or is the experience qualifier for the licensee.

(B) To act as a "qualifying party" a person must be either:

- (i) A sole owner;
- (ii) A partner of the partnership;
- (iii) An officer of the corporation who is actively engaged in the day-to-day activities of the company;

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(iv) A member of the limited liability company who is actively engaged in the day-to-day activities of the company;

(v) A partner of the limited liability partnership who is actively engaged in the day-to-day activities of the company; or

(vi) A full time employee;

(3)(A)(i) "Full-time employee" means a person who is an actual employee of the business, not an independent contractor.

(ii) The person must:

(a) Work, on average, thirty (30) or more hours a week for the business (one thousand five hundred (1,500) hours per year); and

(b) Not be paid as an independent contractor (not receive a "1099" for his or her earnings but receive a "W-2" for his or her earnings).

(iii) A full-time employee is not someone who is hired "job to job" as needed.

(B) Other factors to be considered in making this determination include, but are not limited to:

(i) Whether the business pays for workman's compensation insurance on the individual;

(ii) Whether the business pays payroll taxes on the individual;

(iii) The amount of control the business has over the activities of the individual;

(iv) The ownership of the tools used by the individual; and

(v) Whether the individual maintains his or her own business separate from the business in question;

(4) "Residential remodeling" means any construction on a single-family residence involving:

(A) Structural changes;

(B) Improvements;

(C) Repairs; or

(D) Additions;

(5) "Residential building contractor", as found in Arkansas Code § 17-25-502(2), does not include a developer who has constructed a residential project, if the developer:

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

(B) The licensed contractor gives a written warranty at closing of not less than one (1) year to the buyer of the residence; and

(6) "Own residence", as found in Arkansas Code § 17-25-509(c) and § 17-25-513, means the personal residence, the principal place of abode, the domicile, or a residence constructed for the occupancy of the person who owns the property.

17 CAR § 295-102. Issuance of license.

(a)(1) All licenses will be issued under the name and address listed on the front of the application form.

(2) The use of any other name may constitute a violation.

(3) It is the responsibility of the licensee to inform the Residential Contractors Committee in writing of any name, address, ownership, or any other change relating to said license within fifteen (15) days of such change.

(b)(1) All applications must be filed in one (1) of five (5) categories:

(A) Individual;

(B) Partnership;

(C) Corporation;

(D) Limited liability company; or

(E) Limited liability partnership.

(2)(A) 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.

(B) Anyone failing to pass such examination may be reexamined at any regular examination period upon payment of the proper fee.

(3)(A) 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.

(B) 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.

(C) The replacement qualifier must be fully qualified within thirty (30) days of the departure of the previous qualifier.

(4) Any license not renewed within two (2) years of expiration shall not be renewed.

(c)(1) If a license has been expired for two (2) years or more, the applicant must submit a new application.

(2) Applicants who have previously held a contractor's license in good standing shall not be required to submit proof of appropriate experience if seeking the same classification previously held.

(d)(1)(A) A ninety-day temporary license shall be issued to an applicant who has submitted a completed application and a completed temporary license application and the fee, if the applicant holds in good standing a substantially equivalent license from another jurisdiction.

(B) The temporary license may be extended as necessary upon the showing of good cause by the applicant.

(2) A ninety-day temporary license shall be issued to an applicant who has submitted a completed application and a completed temporary license application and the fee, if:

(A) The applicant is from a jurisdiction which does not issue a substantially equivalent license; and

(B) The applicant demonstrates appropriate competence by the demonstration of experience or appropriate testing for the license classification requested.

17 CAR § 295-103. License expiration and renewal.

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

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(b) Renewal.

(1)(A) Renewal notices will be mailed approximately sixty (60) days prior to the expiration of a license.

(B) However, it shall be the responsibility of the holder of the license to renew said license.

(C) Failure to receive a renewal notice shall not excuse the failure to timely renew.

(D) A renewal application will be considered timely filed if received by the Residential Contractors 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)(A) Renewal applications received within thirty (30) days after the expiration of the license shall be accompanied by the late renewal fee.

(B) Upon receipt of the application, the license shall be deemed to be reinstated until the committee has met and acted upon the renewal.

(C) 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)(A) 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.

(B) The applicant shall not have a valid license until said application is approved by the committee.

(C)(i) A license may be renewed up until two (2) years after its expiration date.

(ii) Any licensee expired two (2) years or more may apply for reinstatement.

(5) 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 license until the next available committee meeting, at which time the license will expire if a new license is not issued.

17 CAR § 295-104. License applications.

(a)(1) Any new application not complete within ninety (90) days after original receipt in the Residential Contractors Committee 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.

(2) During the ninety-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.

(3) After an application becomes invalid a new application and fee must be submitted for consideration to obtain a license.

(b)(1) A potential applicant for a license with a criminal record may petition the committee at any time for a determination of whether:

(A) The individual's criminal record will disqualify a person or entity from licensure; and

(B) He or she will be granted a waiver under Arkansas Code § 17-3-102(b).

(2) A person or entity wishing to submit a prelicensure criminal background waiver request shall do so on a form provided by the committee.

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

(4) The committee's response will state the reason or reasons for the decision.

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

(6) Any decision made by the committee in response to a prelicensure criminal background check petition is not subject to appeal.

(7) 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 application, an applicant shall complete the criminal background 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 Arkansas Code § 17-2-102 or Arkansas Code § 17-25-507(c), the applicant may request a waiver under Arkansas Code § 17-3-102.

(3) The applicant may also submit a written statement addressing the request for a waiver under Arkansas Code § 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 license; 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 Arkansas Code § 17-25-511.

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

17 CAR § 295-105. License fees.

(a) New applications — Individuals or entities not licensed by the Contractors Licensing Board.

(1) All new applications for residential builder by individuals or entities not currently licensed by the board must be accompanied by a one hundred-dollar application/licensing fee.

(2) This fee is nonrefundable.

(b) New applications — Individuals or entities not licensed by the board.

(1) All new applications for residential remodeler or residential specialty contractors by individuals or entities not currently licensed by the board must be accompanied by a fifty-dollar application/licensing fee.

(2) This fee is nonrefundable.

(c) New applications — Individuals or entities currently licensed by the board. Individuals or entities currently licensed by the 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 board.

(1) All renewal applications for residential builder by individuals or entities not currently licensed by the board must be accompanied by a fifty-dollar licensing fee, if the renewal application is timely filed.

(2) If the application is not timely filed, the application shall be accompanied by a one hundred-dollar licensing fee.

(3) This fee is nonrefundable.

(e) Renewal applications — Individuals or entities not licensed by the board.

(1) All renewal applications for residential remodeler or residential specialty contractor by individuals or entities not currently licensed by the board must be accompanied by a twenty-five-dollar licensing fee, if the renewal application is timely filed.

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(2) If the application is not timely filed, the application shall be accompanied by a fifty-dollar licensing fee.

(3) This fee is nonrefundable.

(f) Renewal applications — Individuals or entities currently licensed by the board.

(1) Individuals or entities which have a contractor's license shall only pay the renewal fee for the contractor's license.

(2) No additional fee is required.

17 CAR § 295-106. Inactive status.

(a) A holder of a license may choose to become inactive in the State of Arkansas at the time of any renewal.

(b) 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.

(c) A license holder who elects inactive status must pay all renewal fees, but is not required to submit financial information to the Residential Contractors Committee.

(d) 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.

17 CAR § 295-107. 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 (3) verifiable references on the forms prescribed by the Residential Contractors Committee; or

(C) Having passed the appropriate examination.

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

(3) The committee will take into consideration past performance, complaints, or violations of the law or rules 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 (3) verifiable references on the forms prescribed by the committee; or

(C) Having passed the appropriate examination.

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

(3) The committee will take into consideration past performance, complaints, or violations of the law or rules of the committee and of the 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 (3) verifiable references on the forms prescribed by the committee; or

(C) Having passed the appropriate examination.

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

(3) The committee will take into consideration past performance, complaints, or violations of the law or rules of the committee and of the board.

(d) Any applicant who holds in good standing a substantially equivalent license from another jurisdiction shall not be required to demonstrate experience.

17 CAR § 295-108. Examination required.

Unless exempted by the provisions of Arkansas Code § 17-25-509, no person or entity shall be licensed by the Residential Contractors Committee unless the individual, or a qualifying party for an entity, has passed the written examination required by the committee.

17 CAR § 295-109. Financial requirements.

(a) Residential building contractors, unlimited residential remodelers, and 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)(A) All financial statements must be submitted on the form approved by the Residential Contractors 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.

(B) All financial statements must be sworn to be true and correct.

(C) 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.

(2) 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 fifty thousand dollars (\$50,000) 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) 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.

(B) 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.

17 CAR § 295-110. Classifications.

(a)(1) 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.

(2) 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.

(3) 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 in which it is 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.

(1) A contractor holding a classification may perform any of the functions listed under that classification.

(2) Performing work not listed under that classification may constitute a violation.

17 CAR § 295-111. Outline of classifications.

(a) Residential building contractor:

- (1) Additions;
- (2) Awnings, canopies, and gutters;
- (3) Base and paving:
 - (A) Base construction;
 - (B) Hot and cold mixes;
 - (C) Surface treatment;
 - (D) Asphalt; and
 - (E) Concrete paving;
- (4) Boat docks;
- (5) Carpentry, framing, millwork, and cabinets;
- (6) Ceilings, wall systems, acoustical treatments;
- (7) Central vacuum systems;
- (8) Chimneys, fireplaces;
- (9) Communications, computers or sound systems, and cabling;
- (10) Concrete;
- (11) Demolition;
- (12) Detached garage, storage building, detached structures, and metal buildings;
- (13) Drywall;
- (14) Erosion control;
- (15) Fencing, gates;
- (16) Floors, floor coverings;
- (17) Foundation construction or drilling, pile driving, and stabilization;
- (18) Glass, glazing, doors, and windows;
- (19) Grading and drainage (includes grading, drainage, pipe and structures, culverts, clearing, grubbing, and rip rap), excavation;
- (20) Greenhouses and sunrooms;

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- (21) Insulation;
- (22) Interior work;
- (23) Kitchen and bathroom renovations;
- (24) Landscaping, irrigation, lawn sprinklers, streams;
- (25) Lathe, plaster, stucco, Dryvit, and EIFS;
- (26) Masonry;
- (27) Metal studs, walls;
- (28) New home construction;
- (29) Overhead doors;
- (30) Painting, wall covering;
- (31) Remodeling, renovations, restoration, alterations;
- (32) Retaining walls;
- (33) Roofs, roof decks, and roofing sheet metal;
- (34) Siding, soffit, fascia, and gutters;
- (35) Skylights;
- (36) Solar systems;
- (37) Special coatings or applications, caulking, waterproofing;
- (38) Steel, alloy, ornamental, metal fabrication, welding;
- (39) Storm shelters;
- (40) Swimming pools, spas; and
- (41) Tile, terrazzo, marble, countertops.

(b) Residential remodeler:

- (1) Additions;
- (2) Awnings, canopies, and gutters;
- (3) Base and paving:
 - (A) Base construction;
 - (B) Hot and cold mixes;
 - (C) Surface treatment;
 - (D) Asphalt; and
 - (E) Concrete paving;

- (4) Boat docks;
- (5) Carpentry, framing, millwork, and cabinets;
- (6) Ceilings, wall systems, acoustical treatments;
- (7) Central vacuum systems;
- (8) Chimneys, fireplaces;
- (9) Communication, computer or sound systems, and cabling;
- (10) Concrete;
- (11) Demolition;
- (12) Detached garage, storage building, detached structures, and metal buildings;
- (13) Drywall;
- (14) Erosion control;
- (15) Fencing, gates;
- (16) Floors, floor coverings;
- (17) Foundation construction or drilling, pile driving, and stabilization;
- (18) Glass, glazing, doors, and windows;
- (19) Grading and drainage (includes grading, drainage, pipe and structures, culverts, clearing, grubbing, and rip rap), excavation;
- (20) Greenhouses and sunrooms;
- (21) Insulation;
- (22) Interior work;
- (23) Kitchen and bathroom renovations;
- (24) Landscaping, irrigation, lawn sprinklers, and streams;
- (25) Lathe, plaster, stucco, Dryvit, and EIFS;
- (26) Masonry;
- (27) Metal studs, walls;
- (28) Overhead doors;
- (29) Painting, wall covering;
- (30) Remodeling, renovations, restoration, and alterations;
- (31) Retaining walls;

- (32) Roofs, roof decks, roofing sheet metal;
- (33) Siding, soffit, fascia, and gutters;
- (34) Skylights;
- (35) Solar systems;
- (36) Special coatings or applications, caulking, and waterproofing;
- (37) Steel, alloy, ornamental, metal fabrication, and welding;
- (38) Storm shelters;
- (39) Swimming pools, spas; and
- (40) Tile, terrazzo, marble, countertops.

(c) Specialties, specific.

(1) A contractor may obtain one (1) or more of the specialty classification by proper qualifications shown.

(2) The list of those specialty classifications is:

- (A) Awnings, canopies, and gutters;
- (B) Base and paving:
 - (i) Base construction;
 - (ii) Hot and cold mixes;
 - (iii) Surface treatment;
 - (iv) Asphalt; and
 - (v) Concrete paving;
- (C) Boat docks;
- (D) Carpentry, framing, millwork, and cabinets;
- (E) Ceilings, wall systems, acoustical treatments;
- (F) Central vacuum systems;
- (G) Chimneys, fireplaces;
- (H) Communication, computer or sound systems, and cabling;
- (I) Concrete;
- (J) Demolition;
- (K) Detached garage, storage building, detached structures, and metal

buildings;

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- (L) Drywall;
- (M) Fencing, gates;
- (N) Floors, floor covering;
- (O) Foundation construction or drilling, pile driving, and stabilization;
- (P) Glass, glazing, doors, and windows;
- (Q) Grading and drainage (includes grading, drainage, pipe and grubbing, and rip rap), excavation;
- (R) Greenhouses and sunrooms;
- (S) Insulation;
- (T) Kitchen and bathroom renovations;
- (U) Landscaping, irrigation, lawn sprinklers, and streams;
- (V) Lathe, plaster, stucco, Dryvit, and EIFS;
- (W) Masonry;
- (X) Metal studs, walls;
- (Y) Overhead doors;
- (Z) Painting, wallcovering;
- (AA) Rebar;
- (BB) Retaining walls;
- (CC) Siding, soffit, fascia, and gutters;
- (DD) Skylights;
- (EE) Solar systems;
- (FF) Special coatings or applications, caulking, and waterproofing;
- (GG) Steel, alloy, ornamental, metal fabrication, and welding;
- (HH) Storm shelters;
- (II) Swimming pools, spas; and
- (JJ) Tile, terrazzo, marble, countertops.

17 CAR § 295-112. Complaints and investigations.

(a)(1) The purpose of the complaints procedure is to effectively deal with issues affecting the licensure of licensees.

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(2) The complaints procedure is not intended to function as a dispute resolution process or a code enforcement process.

(3) Any complaint registered with the Residential Construction Committee of alleged violations must be submitted in writing with proper information to identify:

- (A) Job site;
- (B) Owner, if possible;
- (C) Any name and phone numbers of individuals; and
- (D) Any other information that may tend to be useful in the investigation.

(4) The complainant must furnish his or her or their name, address and phone number in order to obtain any other information that may be necessary for proper investigation.

(5) A written response will be made to a complainant when the investigation is closed.

(b)(1) 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.

(2) The failure to cooperate or to timely provide the committee or board with relevant information as requested:

- (A) May constitute misconduct in the conduct of the contractor's business; and
- (B) May subject the contractor to the revocation of the contractor's license.

(c)(1) The committee may delegate to the administrator/investigator the authority to obtain licensee compliance as may be necessary.

(2) The administrator/investigator will conduct all investigations in such a manner that would be complimentary to the licensing law.

(3) The administrator/investigator may defer investigation into a complaint during the pendency of any civil litigation involving the complainant and contractor, and upon resolution of the litigation may take action consistent with the findings, order, or judgment of the civil court.

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

(e)(1) It is the stated purpose of the residential and home improvement law to protect homeowners and the purchasers of homes constructed in this state.

(2) Because Acts 2011, No. 1208, expands the coverage of the residential law to include home improvement contractors, it is the intent of the 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.

(3) The intent of the committee will be accomplished by placing emphasis on consumer complaints and contractors working in disaster areas.

(4) 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.

17 CAR § 295-113. Hearings and appeals.

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

(b) Appeals to the Contractors Licensing Board.

(1) Appeals from decisions of the committee to the board shall be in writing and filed with the board within ten (10) calendar days of the date the decision was served upon the respondent.

(2)(A)(i) A transcript of the original hearing or hearings will be ordered and filed with the board.

(ii) A copy of the transcript will be provided to the respondent upon request.

(B)(i) In the event the board affirms or modifies, but does not reverse the decision of the committee, the respondent will be responsible for the cost of the appeal.

(ii) Said costs include, but are not limited to, the cost of the transcript.

(iii) Said costs are in addition to any civil penalties or other sanction imposed.

(3) The board will review the decision of the committee in accordance with its rules.

17 CAR § 295-114. Deadlines.

For any deadline that occurs on a Saturday, Sunday, or holiday proclaimed by the State of Arkansas, the time to complete that event shall be extended until the next business day.

17 CAR § 295-115. Display of name and license number.

Each contractor holding a license from the Residential Contractors Committee shall display in a prominent, legible manner the license number and contractor's name, as licensed, in letters not less than three inches (3") high on a sign prominently displayed at all residential job sites.

17 CAR § 295-116. Uniformed service members, uniformed service veterans, and their spouses.

(a) All applications submitted by uniformed service members, uniformed service veterans, and their spouses shall be expedited.

(b)(1) A ninety-day temporary license shall be issued upon the receipt of an application and application fee submitted by a uniformed service member, a uniformed service veteran, or their spouse if the applicant holds in good standing a license from another jurisdiction with a similar scope of practice.

(2) The temporary license may be extended as necessary upon the showing of good cause by the applicant.

(c) Any applicant who is a uniformed service member, a uniformed service veteran, or their spouse and the applicant holds in good standing a license from another jurisdiction with a similar scope of practice shall not be required to demonstrate

experience or be required to take the examination required by Arkansas Code § 17-25-509.

(d) A license or registration held by a uniformed service member or their spouse who is on deployment outside the State of Arkansas shall not expire until one hundred eighty (180) days following their return to the state.

(e) A license or registration held in inactive status by a uniformed service member or their spouse who is on deployment outside the State of Arkansas shall not expire until one hundred eighty (180) days following their return to the state.

17 CAR § 295-117. Fee waiver for certain applicants.

(a)(1) An applicant may receive a waiver of the initial licensure fee, if eligible.

(2) Eligible applicants are applicants who are applying as a sole proprietor and:

(A) Are receiving assistance through the:

(i) Arkansas, or current state of residence equivalent, Medicaid

Program;

(ii) Supplemental Nutrition Assistance Program;

(iii) Special Supplemental Nutrition Program for Women, Infants, and

Children;

(iv) Temporary Assistance for Needy Families Program; or

(v) Lifeline Assistance Program;

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

or

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

(b) Upon agency request applicants shall provide documentation showing their receipt of benefits from the appropriate state agency:

(1) For Medicaid, the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Temporary Assistance for Needy Families Program, or the Lifeline Assistance Program,

documentation from the Department of Human Services, or current state of residence equivalent agency;

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

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

(c)(1) Applicants shall attest that they are entitled to the fee waiver and that the documentation provided under subsection (b) of this section is a true and correct copy.

(2) Fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

Subpart 2. Roofer Registrations

17 CAR § 295-201. Issuance of registration.

(a)(1) All registrations will be issued under the name and address listed on the front of the application form.

(2) The use of any other name may constitute a violation.

(3) It is the responsibility of the registrant to inform the Residential Contractors Committee in writing of any name, address, ownership, or any other change relating to said registration within fifteen (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 Secretary of State's office.

17 CAR § 295-202. Registration expiration and 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 Residential Contractors 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.

17 CAR § 295-203. Registration applications.

(a)(1) Any registration application not complete within ninety (90) days after original receipt by the Residential Contractors Committee will become invalid.

(2) Any registration not passing the committee's review will be considered invalid after ninety (90) days from the date of its original review.

(3) During the ninety-day period, the applicant may make corrections or improvements needed in the application in order to warrant the issuance of a registration.

(4) 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 the person or entity from registration and whether he or she will be granted a waiver under Arkansas Code § 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 or reasons 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 prelicensure 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 background 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 Arkansas Code § 17-3-102 or § 17-25-507(c) the applicant may request a waiver under Arkansas Code § 17-3-102.

(3) The applicant may also submit a written statement addressing the request for a waiver under Arkansas Code § 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 Arkansas Code § 17-25-511.

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

17 CAR § 295-204. Registration fees.

- (a) New and renewal registration fees shall be twenty dollars (\$20.00).
- (b) This fee is nonrefundable.

17 CAR § 295-205. Bond.

(a) All bonds required to be filed with the Residential Contractors Committee pursuant to Arkansas Code § 17-25-601 et seq., shall be made by surety companies that have qualified and are authorized to do business in the State of Arkansas.

(b) The bonds shall be executed by a resident or nonresident agent, broker, or producer licensed by the 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 or her authority.

(c) The bond shall be issued on a form approved by the committee.