

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Proposed Rulemaking

Title

Promulgated by:
HVACR Licensing Board

Title 17. Professions, Occupations, and Businesses

Chapter XLV. HVACR Licensing Board, Department of Labor and Licensing

Subchapter A. Generally

Part 261. Rules Pertaining to the Licensing of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors

Subpart 1. Generally

17 CAR § 261-101. Purpose.

The purpose of this part is to provide for the administration and enforcement of
Acts 1991, No. 277, as amended.

17 CAR § 261-102. Definitions.

(a)(1) The following words and terms, when used in this part, shall have the
following meanings, unless the context clearly indicates otherwise.

(2) Words not defined in this part shall have the meaning stated in the
Webster's Ninth New Collegiate Dictionary, as revised.

(b) As used in this part:

- (1) "Board" means the HVACR Licensing Board;
- (2) "BTUH" means British thermal unit per hour of heat;

(3) "Designated license holder" means the Class A, B, D, or E licensee who is
responsible for the HVACR work performed;

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(4) "Department" means the Department of Labor and Licensing;

(5) "Heating and air conditioning" means the process of treating air to control temperature, humidity, cleanliness, ventilation, or circulation to meet human comfort requirements;

(6) "Heating, ventilation, air conditioning, and refrigeration" or "HVACR" means the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems;

(7) "Horsepower" means the equivalent to seven hundred forty-six watts (746 W);

(8) "HVACR electrical work" means electrical work for the purpose of supplying an electrical connection to an HVACR system and shall be limited to installing within seventy-five feet (75') or less of final electrical connection to a HVAC or refrigeration unit from an existing electrical panel, installed in accordance with the state adopted National Electrical Code and any state, local, inspection or permit requirement;

(9) "HVACR gas fitting work" means gas fitting work performed in accordance with the Arkansas Fuel Gas Code and any state or local inspection or permit requirements for the purpose of supplying an HVACR system, and shall be limited to installing seventy-five feet (75') or less of final gas piping connection to a heating unit from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system;

(10)(A) "HVACR maintenance work" means repair, modification, service, and all other work required for the normal continued performance of an HVACR system.

(B) This term does not include the installation or total replacement of a system or the installation of boiler or pressure vessels that must be installed by persons licensed under Arkansas Code § 20-23-101 et seq.;

(11) "Pattern of incompetence" means one (1) or more of the following:

(A) A history of repeat offenses as described by citation reports;

(B) One (1) or more impositions of civil penalties by the HVACR Licensing Board; and

(C) Criminal activity not conducive to the trust and well-being of the public;

(12) "Licensee" means the holder of a license issued pursuant to this act;

(13) "Mechanical Inspector" means any person(s) who is employed by a state, county, or local jurisdiction that has adopted an inspection and permit program and is responsible for the inspections of HVACR equipment or installations within their jurisdiction;

(14) "One ton" means twelve thousand (12,000) BTUH;

(15) "Persons" means any:

(A) Individual;

(B) Firm;

(C) Partnership;

(D) Copartnership;

(E) Corporation;

(F) Association;

(G) Cooperative; or

(H) Any other association or combination thereof;

(16) "Public entity" means any agency of the State of Arkansas or any political subdivision of the state;

(17) "Refrigeration" means the use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space other than for human comfort;

(18) "Registrant" means a person who:

(A) Does not hold a Class A, B, D, or E HVACR license;

(B) Can only perform work for an HVACR licensee; and

(C) Holds a current HVACR registration;

(19) "Repair" means the reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance;

(20) "Secretary" means the Secretary of the Department of Labor and Licensing or his or her designee;

(21) "Substantially similar license" means an occupational license from another state or political subdivision of that state or territory, or district of the United States that:

(A) Has adopted a national model mechanical code; and

(B) Utilizes a comprehensive examination created and proctored by a national examination agency or equivalent; and

(22) "Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

17 CAR § 261-103. Classification of licenses.

(a) Class A entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities. This license includes the authorization to install an HVACR appliance or perform HVACR electrical work or fuel gas supply as defined in 17 CAR §261-102.

(b) Class B entitles the licensee to perform HVACR work on air conditioning systems that develop a total of not more than twenty-five (25) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit. This license includes the authorization to install an HVACR appliance or perform HVACR electrical work or fuel gas fitting work as defined in 17 CAR §260-102.

(c)(1) Class D entitles the licensee to perform "sheetmetal" work as it relates to ductwork for HVACR systems without regard to or limitation of horsepower of the system to which the duct connects. This license does not include the authorization to install an HVACR appliance for the conditioning air for human comfort requirement or perform HVACR electrical work or fuel gas supply as defined in 17 CAR §260-102.

(2) The licensee in this category is prohibited from the sale, installation, and

service of HVACR equipment and systems.

(d)(1) Class E entitles the licensee to perform "refrigeration" work as defined in Arkansas Code § 17-33-101 without regard to or limitation of horsepower. This license may include HVACR electrical work and fuel gas work to the appliance being installed.

(2) The licensee in this category is prohibited from the sale, installation, and service of heating and air conditioning equipment used for the treatment of air for human comfort requirements.

(e)(1) Class L entitles the license holder to a "lifetime" license to perform HVACR service and maintenance work on air conditioning systems that develop a total of not more than fifteen (15) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit only.

(2) A lifetime license holder shall not install any original equipment or replace any existing HVACR equipment.

(3) A lifetime license holder shall not employ registrants to perform HVACR work.

17 CAR § 261-104. Qualifications and application for licensure.

(a)(1) Applicants for Class A, B, D, E, or registrant to a class holder shall be at least eighteen (18) years of age.

(2) Applicants must make application to the Department of Labor and Licensing on forms prescribed by the HVACR Licensing Board.

(3)(A) The board shall approve an applicant for Class A, B, D, or E licensure with examination provided that the applicant is currently licensed in another state or political subdivision of that state or territory, or district of the United States with which the board has no reciprocity, but whose HVACR licensing laws are substantially similar to those of the State of Arkansas and:

(i) Holds his or her occupational licensure in good standing;

(ii) Has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or

probationary license from any state, territory, or district of the United States;

(iii) Is sufficiently competent in his or her field, and;

(iv) Pays the required license fee.

(B) In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

(C) In this section, "substantially similar" license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

(4) Applicants for licensure must pass a board-approved examination if the candidate for licensing does not hold licensing in another state or political subdivision of that state or territory or district of the United States.

(5)(A)(i) Applicants for licensure with no licensing background shall present satisfactory evidence of having at least two (2) years' experience as an HVACR contractor or an employee of an HVACR contractor.

(ii)(a) The board may substitute HVACR-related educational training for experience provided that the educational training is approved by the board.

(b) Copies of educational transcripts shall be provided prior to board consideration.

(B) The board shall use the least restrictive requirements by allowing the licensing candidate to show proof of experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as an HVACR contractor.

(C) In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

(6)(A) A designated license holder is the Class A, B, D, or E licensee who is responsible for the HVACR work performed.

(B) Employees of the designated license holder who perform HVACR work shall be registrants, unless otherwise exempt.

(C) The designated license holder shall be solely responsible to maintain the registration of all employees required to be registered under Arkansas Code § 17-33-303(d)(3) and this part.

(7) A person who designs HVACR systems as a service to a licensee and does not charge for that service is not required to obtain an HVACR license.

(8) Criminal background checks shall not be required.

(b) Qualifications and application for lifetime licensure.

(1) Applicants for a Class "L" lifetime license must be at least sixty-five (65) years of age and has been licensed by the board for ten (10) consecutive years.

(2) Only class holders with a current a Class A, Class B, Class D, or Class E license in good standing with the board are eligible.

(c) Temporarylicense. When requested, the board shall immediately issue temporary licensing to all Class A, B, D, or E applicants upon receipt of the application under the following conditions:

(1) The temporary licensing shall be granted for ninety (90) days in accordance with 17 CAR § 261-112, License by reciprocity, unless the board determines the candidate for licensing does not meet the criteria as noted in this part in which case the license shall be revoked.

(2) Candidates for temporary licensing shall schedule to take the HVACR exam within sixty (60) days unless they officially forfeit their temporary license

(3) The candidate holds his or her occupational licensure in good standing;

(4) The candidate has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(5) The candidate is sufficiently competent in his or her field; and

(6) The candidate pays the required license fee.

(d)(1) An individual is not eligible to receive or hold a license issued by the board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas

or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq., or otherwise sealed, pardoned, or expunged under prior law.

(2) The board may grant a waiver as authorized by Arkansas Code § 17-3-102 et seq., in certain circumstances.

(3)(A) The board is not authorized to conduct criminal background checks, but the board may inquire about criminal convictions at the time of license application or the renewal of a license.

(B) Any applicant or licensee who provides false information to the board may be subject to:

- (i) Suspension;
- (ii) License revocation; or
- (iii) Denial of a license.

17 CAR § 261-105. Terms of expiration, renewal, and examination.

(a) All licenses called for under this part shall expire on the last day of the month one (1) year from the original date of issuance.

(b) Class A, B, D, or E license examinations shall be offered at least four (4) times per year or as often as the HVACR Licensing Board determines to be appropriate.

17 CAR § 261-106. License and examination fees.

(a) The license fee for the Class A contractor shall be two hundred dollars (\$200) per year.

(b) The license fee for the Class B contractor shall be one hundred and fifty dollars (\$150) per year.

(c) The license fee for the Class D contractor shall be one hundred fifty dollars (\$150) per year.

(d) The license fee for the Class E contractor shall be one hundred fifty dollars (\$150) per year.

- (e) The license fee for the Class L "lifetime" license shall be "no charge".
- (f) The registrant fee is twenty-five dollars (\$25.00) per year.
- (g) Fees for the Class A, B, D, or E examination shall be one hundred dollars (\$100) each for exam.
- (i) The HVACR Licensing Board shall waive the initial licensing fee, not to include any required exam fees, if the applicant provides written documentation at the time of application that applicant:
 - (1) Is receiving assistance through the:
 - (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;
 - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
 - (2) Was approved for unemployment within the last twelve (12) months; or
 - (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

17 CAR § 261-107. Denial of license.

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration except that the HVACR Licensing Board may deny a license if the applicant has:

- (1) Committed any act which, if committed by a licensee or registrant, would be grounds for suspension or revocation of the license or registration;
- (2) Previously been denied a license or registration under this part for cause or previously had a license or registration revoked for cause; or
- (3) Knowingly made any false statement or misrepresentation on the application.

17 CAR § 261-108. Revocation of license.

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The HVACR Licensing Board may, on its own motion, make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, suspend or revoke any license called for under this part if it has reason to believe that the holder of such license has violated any provision of this part or order prescribed by the board or has demonstrated a pattern of incompetence to act as an HVACR license holder or mechanical inspector.

17 CAR § 261-109. Procedures for suspension or revocation.

(a)(1) A copy of the complaint shall be served on the licensee complained against.

(2) The licensee's answer thereto shall be filed within twenty (20) days of the licensee's receipt of the complaint.

(b)(1) No order suspending or revoking a license or registration shall be made until after a public hearing set by the HVACR Licensing Board pursuant to the procedures of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) The hearing shall be held at the place designated by the board.

(3) The individual complained against shall have the right to be represented by counsel and to introduce any evidence in his or her defense.

(4) The conduct of the hearing shall be in accordance with recognized rules of procedure.

(c) The decision rendered as a result of the hearing may be appealed pursuant to the Arkansas Administrative Procedure Act.

(d) Any member of the board or a representative of the board shall have the authority to administer oaths for the taking of testimony.

17 CAR § 261-110. Reinstatement.

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(a)(1) A Class A, B, D, or E license holder, whose license expired for nonpayment of renewal fees, may make application for reinstatement of license.

(2) A penalty fee of ten dollars (\$10.00) per month shall be added for late

payment. The penalty fee shall be calculated on the first day of each calendar month.

(3) The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse.

(4) In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.

(b)(1) The board shall reinstate an expired license provided the applicant pays the current and past due license fees, late fees, and any outstanding civil money penalties if applicable.

(2) Applicants for reinstatement, who have been delinquent for over three (3) years, shall take the prescribed exam.

(3) In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.

(c)(1) A Class A, B, D, or E contractor or registrant whose license has been revoked may make application for a new license one (1) year after the date of revocation.

(2) Such application shall contain a statement of intent to comply with all pertinent laws and rules.

(3) The board shall issue a new license after the applicant has passed the prescribed examination and paid all applicable fees.

(d)(1) Requests for reinstatement of a suspended license or registration shall be made within five (5) business days of the end of the suspension period.

(2) Such requests shall contain a statement of intent to comply with all pertinent laws and rules.

(3) The board will not automatically change a license or registration from suspended status without a reinstatement request.

17 CAR § 261-111. License by reciprocity.

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(a)(1) The HVACR Licensing Board, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding HVACR licensing.

(2) Application license fees shall apply for the license requested, and candidates for licensure under reciprocity shall not be required to pass an examination or participate in continuing education, training, or apprenticeship as a prerequisite to licensing for HVACR Class A, B, D, or E contractor.

(b) An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold an HVACR license in another United States jurisdiction that is substantially similar to Arkansas HVACR licensure requirements as established by this part.

(B) Minimum education requirements for licensure are not required;

(2) The applicant shall hold his or her occupational licensure in good standing;

(3) The applicant shall not have had a license revoked for an act of bad faith or a violation of:

(A) Laws;

(B) Rules; or

(C) Ethics;

(4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(5) The applicant shall be sufficiently competent in the mechanical HVACR installations.

(c) The board shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(1) Examinations shall not be required; and

(2) Apprenticeship, education, or training shall not be required as a prerequisite to licensure.

(d)(1) An applicant shall submit a completed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

(A) Copy of HVACR license from other jurisdiction;

(B) Completion of required forms from the other jurisdiction or jurisdictions showing the candidate's licensing status including:

(i) Suspensions and revocations;

(ii) Types of examinations administered; and

(iii) Types of mechanical code used; and

(C)(i) Candidates shall also be required to submit the names of all states in which the candidates are either currently or have been previously licensed and confirmation that the license is in good standing.

(ii) The board has the authority to verify candidate licensing information.

17 CAR § 261-112. Corrections of violations.

(a) An applicant applying for any license, or reinstatement or renewal of a license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Arkansas Code §17-33-101 *et seq*, or this part.

(b) Where such violations have existed, the HVACR Licensing Board shall require all back license fees, late fees, and any civil money penalties to be paid.

17 CAR § 261-113. Inspections and fees.

(a)(1) The Department of Labor and Licensing may charge fees for inspections authorized under Arkansas Code §17-33-204.

(2) The fees for each installation shall be twenty-five dollars (\$25.00) for the first one thousand dollars (\$1,000) or fraction thereof, of valuation of the installation plus two dollars (\$2.00) for each additional one thousand dollars (\$1,000) or fraction thereof.

(3) Total inspection fees shall not exceed one thousand dollars (\$1,000) per job.

(4) Each additional reinspection shall be twenty-five dollars (\$25.00) each.

(b) The department may not charge an inspection fee to investigate consumer complaints and/or to assist the inspection authorities when making a survey or assisting them with inspections.

(c) The department may perform random inspections, and license checks on jobsites at no cost to the owner or HVACR license holder unless the inspection has been requested and meets the criteria of this part.

(d) All licensed HVACR contractors and registrants shall have on their person, or immediately available, their license and a form of photo identification always during which the licensee or registrant is performing HVACR work and shall provide such identification to any state or local government HVACR inspector, building inspector, or fire marshal upon request.

17 CAR §261-114. Municipal Mechanical Inspector.

(a) All state, county, or local municipalities that have adopted a mechanical code inspection and permit program shall register the employed inspector with the board within thirty (30) days of employment.

(b) No fee will be required for issuance of a registration for a municipal mechanical inspector to a holder of a Class A or B license who is employed by a state, county, or local municipality.

(c)(1) Upon registration, a municipal mechanical inspector shall complete twelve (12) hours of training provided by the board.

(2) The board shall conduct training classes at least five (5) times per calendar year.

(d) Municipal mechanical inspector registration shall be renewed annually by December 31st and renewal shall include proof of attendance eight (8) hours of continuing education offered by the board or board approved provider.

(e) All municipal mechanical inspectors shall notify the board immediately of any

unlicensed persons performing HVACR work on a form provided by the board.

(1) The municipal mechanical inspector shall collect and provide to the board's Chief Inspector, a copy of a government issued photo identification of any unlicensed person performing HVACR work.

(2) The municipal mechanical inspector shall dismiss the unlicensed person from the jobsite until such time as the individual has been properly licensed or registered with the board.

17 CAR § 261-115. Penalties.

(a)(1) Any person who violates any provision of Arkansas Code §17-33-101 *et seq.*, or violates any rule or order of the HVACR Licensing Board or any permit, license, registration, or certification may, in accordance with the rule issued by the board, be assessed a civil penalty by the board.

(2)(A) The penalty shall not exceed one thousand dollars (\$1,000) for each violation, and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

(B)(i) Prior to the assessment of a civil penalty, the responsible license holder charged with any code violations shall be given an opportunity to correct the violations.

(ii) Any person(s) who has performed HVACR work without holding an HVACR license or working outside the scope of their class license, shall be allowed to bring a competent, licensed HVACR contractor to complete or correct any HVACR work that is in violation of the code at his or her expense.

(c) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing, in accordance with the Administrative Procedure Act, on the violation.

(3) The amount of any civil penalty levied by the board may be recovered in a civil action brought by the board in a court of competent jurisdiction, without paying costs or giving bond for costs.

(b) In addition to the civil penalty provided in this section, the board is authorized to petition any court of competent jurisdiction without paying costs or giving bond for

costs to:

- (1) Enjoin or restrain any violation of, or compel compliance with, the provisions of this part and any rules or orders issued thereunder;
 - (2) Affirmatively order that remedial measures be taken as may be necessary or appropriate to implement or effectuate the purposes and intent of this part; and
 - (3) Recover all costs, expenses, and damages to the board and any other agency or subdivision of the state in enforcing or effectuating the provisions of this section.
- (c) An unlicensed person shall not be entitled to a mechanic's and materialman's lien, a laborer's lien, or any other artisan's lien for work done in violation of this part.

17 CAR § 261-116. Responsibilities of the licensee.

- (a) Each license shall be displayed at the contractor's place of business as listed with the HVACR Licensing Board.
- (b)(1) Each licensed contractor shall display (in a prominent, legible manner) the license number and company name in letters not less than two inches (2") high on both sides of all service and installation vehicles used in conjunction with air conditioning and refrigeration contracting.
- (2) The company name, license number, and phone number shall be displayed on a sign no less than 8 ½ by 11 inches in size at all job sites where new HVACR work is being performed.
- (3) The company name, license number, and phone number shall be displayed on business cards of a company that performs HVACR work.

Example:

HVACR LICENSE #0000001

Company Name

Business Address

Business Phone Number

(c)(1) A license holder is required to notify the board in writing within thirty (30) days of any change in:

- (A) Permanent mailing address;
- (B) Business affiliation;
- (C) Business location; or
- (D) Business telephone number.

(2) A license revision is required for any change to permanent mailing address, change of business affiliation, or the business location reflected on the license.

(3) The permanent address on file with the board shall be considered the license holder's permanent address and all correspondence, including license expiration notice from the department, will be mailed to such address of record.

(4) A license holder wishing to revise a license shall request in writing the revision and pay the appropriate fee required in this part.

(5)(A) A license class holder who has been designated as the responsible class holder for a company, business, or corporation and their registrants, shall notify the department in writing should the licensee no longer hold the designation of responsible class holder for HVACR work performed by the company, business, or corporation and their registrants, within five (5) business days.

(B) Payment of the fees required in 23 CAR § 261-111 must be submitted with the statement of loss.

(6) The license for each license holder, registrant, or mechanical inspector on the jobsite must be with the person to whom it was issued, in a paper or digital form, for inspection by the state or local inspector in order to confirm the license status of the individual.

(d)(1) A license holder who holds a Class A, B, D, or E license shall:

- (A) Maintain liability insurance for any work performed; or
- (B) Be covered by an employer policy with the minimum coverage.

(2) The minimum coverage of the policy shall be:

- (A) Two hundred fifty thousand dollars (\$250,000) for an individual

licensee; or

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(B) Two hundred fifty thousand dollars (\$250,000) per licensed employee for an employer provided policy.

(3) Proof of coverage shall be presented to the board at the time of issuance or renewal of license.

(4) A waiver of coverage can be made to the board if:

(A) The licensee's primary work is for a business, firm, or corporation whose primary job duty is to perform maintenance and repair work on company owned equipment; or

(B) The licensee is an instructor at a recognized school or apprenticeship program and is not actively engaged in performing HVACR work in a for profit enterprise.

(5) If a waiver is requested under subsection (d)(4) of this part, the licensee shall provide at the time of each renewal a letter from the business, firm, corporation, or school Human Resources office or other responsible official stating the licensee works in a "not for profit" position.

17 CAR § 261-117. Exemptions.

(a) This part shall not apply to:

(1) Household appliances;

(2) American Gas Association (AGA)-approved unvented space heaters;

(3) Factory-assembled, air-cooled, self-contained refrigeration equipment of one and a half horsepower (1.5 h.p.) or less and which has no refrigerant lines extending beyond the cabinet enclosure;

(4) Factory-assembled, air-cooled, self-contained window-type air conditioning units of thirty-six thousand (36,000) BTUH or less not connected to ducts;

(5) Window, attic, ceiling, and wall fans in residences; or

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of:

(A) Chicken;

(B) Turkey; or

(C) Other fowl.

(b) This part shall not apply to a person who:

(1) Performs HVACR work in an existing building or structure owned and occupied by him or her as his or her home;

(2) Performs HVACR work in an existing building or structure owned or occupied by him or her on his or her farm;

(3) Performs work for public utilities on construction, maintenance, and development work, which is incidental to their business;

(4) Performs work on motor vehicles;

(5) Is an architect or registered engineer who designs HVACR systems for design criteria only;

(6)(A) Is an employee of a hospital and who performs HVACR work which is incidental to the hospital's operation.

(B) Items related to healthcare facilities shall continue to be governed by the rules pertaining to healthcare facilities licensed under Acts 1961, No. 414, as amended and administered by the Department of Health, Division of Health Facilities Services;

(7) Installs or does maintenance work on a gas-fired floor furnace, wall furnace, or unit heater, if the person is licensed pursuant to Arkansas Code § 17-38-301 et seq. and the work is performed within the limitations of the person's license; or

(8) Is a pipefitter, welder, well driller, sheetmetal worker, or plumber working under a Class A, Class B, Class D, or Class E licensee and who is enrolled in or has satisfactorily completed an apprenticeship training program, approved by the State of Arkansas, in his or her respective trade and the work is performed within the limitations of the person's license.

(c) The provisions of this part shall not apply to a person or public entity servicing or repairing its own HVACR system by its own personnel specifically trained for such service or repair.

(d) Any person exempt under this section is required to conform to rules on the performance of HVACR work as well as obtaining local permits and inspection as may

be required by local ordinance.

17 CAR § 261-118. Licensure, certification, or permitting of uniformed service members, veterans, and spouses under Arkansas Code § 17-4-101 *et seq.*

(a) As used in this section:

(1) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this part or by the rules of the occupational licensing entity; and

(2) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The HVACR Licensing Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the United States for Class A, B, D, or E licensure and is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of a:

(A) Person under subdivision (b)(1) or (b)(2) of this section;

(B) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(C) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The board shall grant such automatic licensure upon receipt of all of the below:

(1) Payment of the initial licensure fee;

(2) Evidence that the individual holds a substantially equivalent license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under the provisions of

this section.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A full exemption from any continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

17 CAR § 261-119. Continuing education.

(a)(1) No HVACR license shall be renewed unless the licensee completes at least eight (8) hours of continuing education per current International Mechanical Code cycle that is published by the International Code Council.

(2) Continuing education shall consist of classroom or other HVACR Licensing Board-approved instruction relating specifically to the construction, installation, maintenance, and repair of HVACR systems or the current International Mechanical Code published by the International Code Council.

(3) Any mechanical inspector of a county or local jurisdiction that has adopted a mechanical inspection program shall be registered annually with the board and attend an annual eight (8) hour continuing education course without charge provided by the board or board approved provider.

(b) Approved continuing education hours.

(1) Continuing education hours required by this part shall be obtained only in programs and courses approved by the board.

(2) The board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate HVACR instruction.

(3)(A) Course curricula shall be presented to the board for approval at least sixty (60) days prior to the date of the course.

(B) The curricula shall be presented on a form approved by the board.

(C) Board staff may recommend course providers and curricula to the board for approval.

(D) The board may approve retroactive credit for courses completed during the current calendar year but before the effective date of this part.

(4)(A) Upon completion of a board-approved course, the course provider shall complete an attendance roster form approved by the board to confirm completion.

(B) The course provider shall submit this form to the board.

(C) The course provider's roster is the only document acceptable to confirm completion of course credit.

(D) Each course provider shall maintain this information not less than five (5) years from the course completion date.

(5) The board shall maintain:

(A) The attendance rosters submitted by course providers; and

(B) A list of board-approved courses.

(c) Failure to complete continuing education hours.

(1)(A) All licensees must complete the continuing education class hours before the final year of the code cycle.

(B) All other civil penalties shall apply.

(2) If the licensee fails to obtain the required hours the class holder license shall be suspended until such time as an approved, verifiable course certificate showing completion of the required hours is received by the board.

(d)

A licensee may be subject to civil penalties for performing unlicensed HVACR work and may be subject to an examination requirement pursuant to Arkansas Code § 17-33-302.

17 CAR § 261-120. Earn and learn apprenticeships.

(a) The HVACR Licensing Board shall grant a license to an applicant who:

(1) Completes an apprenticeship as defined by Arkansas Code § 17-6-103(1) in the HVACR field;

(2) Passes an examination with a score required for licensure, if deemed to be necessary by the board and required of all applicants;

(3) Pays any fees deemed necessary by the board;

(4) Does not have a disqualifying criminal record as determined by the board under state law; and

(5) Completes all other requirements for licensure unrelated to training and education.

(b) Should the board deny an application under subsection (a) of this section, the board shall provide the applicant with a written denial detailing the reason for the denial, including whether the board determined the applicant's apprenticeship program does not correspond to the HVACR field or level of license for which the applicant applied.

(c) An apprenticeship in the HVACR field is not required to exceed the number of hours required by the board, except as otherwise required by federal law.

17 CAR § 261-121. The International Mechanical Code.

(a) The HVACR Licensing Board hereby adopts and incorporates herein the International Mechanical Code, 2021 edition, of the International Code Council, Inc., commonly referred to as the ICC.

(b) The International Mechanical Code, 2021, shall be the standard for the conduct of HVACR work.

(c) Copies of these standards incorporated by reference can be viewed in the offices of the board or can be ordered by contacting the following:

ICC Publications
4051 Flossmoor Road
Country Club Hills, IL 60478
1-888-422-7233
Home | ICC Store (iccsafe.org)

17 CAR § 261-122. Severability.

If any provisions of this part, or the application thereof to any person, is held invalid, such invalidity shall not affect other provisions or application of this part which can be given effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

17 CAR § 261-123. Repeal.

All rules and parts of rules in conflict herewith are hereby repealed.

Proposed Rulemaking

Title

Promulgated by:
HVACR Licensing Board

Title 17. Professions, Occupations, and Businesses

Chapter XLV. HVACR Licensing Board, Department of Labor and Licensing

Subchapter A. Generally

Part 261. Rules Pertaining to the Licensing of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors

Subpart 1. Generally

17 CAR § 261-101. Purpose.

The purpose of this part is to provide for the administration and enforcement of
Acts 1991, No. 277, as amended.

17 CAR § 261-102. Definitions.

(a)(1) The following words and terms, when used in this part, shall have the
following meanings, unless the context clearly indicates otherwise.

(2) Words not defined in this part shall have the meaning stated in the
Webster's Ninth New Collegiate Dictionary, as revised.

(b) As used in this part:

(1) "Board" means the HVACR Licensing Board;

(2) "BTUH" means British thermal unit per hour of heat;

~~(3) "Deferred license" means an inactive or nonusable license;~~

(43) "Designated license holder" means the Class A, B, ~~C~~, D, or E licensee who
is responsible for the HVACR work performed;

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(54) "Department" means the Department of Labor and Licensing;

~~(6) "Director" means the Director of the Division of Occupational and Professional Licensing Boards and Commissions or other designee of the Secretary of the Department of Labor and Licensing;~~

(75) "Heating and air conditioning" means the process of treating air to control temperature, humidity, cleanliness, ventilation, or circulation to meet human comfort requirements;

(86) "Heating, ventilation, air conditioning, and refrigeration" or "HVACR" means the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment in heating and air conditioning, refrigeration, ventilation, or process cooling or heating systems;

(97) "Horsepower" means the equivalent to seven hundred forty-six watts (746 W);

~~(8) "HVACR electrical work" means electrical work for the purpose of supplying an electrical connection to an HVACR system and shall be limited to installing within seventy-five feet (75') or less of final electrical connection to a HVAC or refrigeration unit from an existing electrical panel, installed in accordance with the state adopted National Electrical Code and any state, local, inspection or permit requirement;~~

~~(109) "HVACR gas fitting work" means gas fitting work performed in accordance with the Arkansas Fuel Gas Code and any state or local inspection or permit requirements for the purpose of supplying an HVACR system, and shall be limited to installing seventy-five feet (75') or less of final gas piping connection to a heating unit from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system; for the purpose of supplying an HVACR system and shall be limited to installing six feet (6') or less of final gas piping connection to a heating unit from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system;~~

~~(11) "HVACR licensing fund" means a fund established under Arkansas Code § 17-33-101 et seq. to be used exclusively to fund all activities covered under Arkansas Code § 17-33-101 et seq.;~~

(~~12~~10)(A) "HVACR maintenance work" means repair, modification, service, and all other work required for the normal continued performance of an HVACR system.

(B) This term does not include the installation or total replacement of a system or the installation of boiler or pressure vessels that must be installed by persons licensed under Arkansas Code § 20-23-101 et seq.;

(~~13~~11) "Pattern of incompetence" means one (1) or more of the following:

(A) A history of repeat offenses as described by citation reports;

(B) One (1) or more impositions of civil penalties by the HVACR Licensing Board; and

(C) Criminal activity not conducive to the trust and well-being of the public;

(~~14~~12) "Licensee" means the holder of a license issued pursuant to this act;

(13) "Mechanical Inspector" means any person(s) who is employed by a state, county, or local jurisdiction that has adopted an inspection and permit program and is responsible for the inspections of HVACR equipment or installations within their jurisdiction;

(~~15~~14) "One ton" means twelve thousand (12,000) BTUH;

(~~16~~15) "Persons" means any:

(A) Individual;

(B) Firm;

(C) Partnership;

(D) Copartnership;

(E) Corporation;

(F) Association;

(G) Cooperative; or

(H) Any other association or combination thereof;

(~~17~~16) "Public entity" means any agency of the State of Arkansas or any political subdivision of the state;

(~~18~~17) "Refrigeration" means the use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a

specific space other than for human comfort;

(~~19~~18) "Registrant" means a person who:

- (A) Does not hold a Class A, B, ~~C~~, D, or E HVACR license;
- (B) Can only perform work for an HVACR licensee; and
- (C) Holds a current HVACR registration;

(~~20~~19) "Repair" means the reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance;

~~(21) "Subcontractor" means a person who performs a portion of the HVACR installation;~~

~~(20) "Secretary" means the Secretary of the Department of Labor and Licensing or his or her designee;~~

(~~22~~21) "Substantially similar license" means an occupational license from another state or political subdivision of that state or territory, or district of the United States that:

- (A) Has adopted a national model mechanical code; and
- (B) Utilizes a comprehensive examination created and proctored by a national examination agency or equivalent; and

(~~23~~22) "Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

17 CAR § 261-103. Classification of licenses.

(a) Class A entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities. This license includes the authorization to install an HVACR appliance or perform HVACR electrical work or fuel gas supply as defined in 17 CAR §261-102.

(b) Class B entitles the licensee to perform HVACR work on air conditioning systems that develop a total of not more than ~~fifteen (15)~~ twenty-five (25) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit. This license includes the authorization to install an HVACR appliance or perform HVACR electrical

work or fuel gas fitting work as defined in 17 CAR §260-102.

~~(c)(1) Class C entitles the licensee, who is in the business of servicing and repairing heating, ventilation, air conditioning, or refrigeration equipment for the public to service, repair, or replace components of HVACR equipment and to perform HVACR work on air conditioning systems that develop a total of not more than fifteen (15) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit.~~

~~————(2) A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment.~~

(~~dc~~) (1) Class D entitles the licensee to perform “sheetmetal” work as it relates to ductwork for HVACR systems without regard to or limitation of horsepower of the system to which the duct connects. This license does not include the authorization to install an HVACR appliance for the conditioning air for human comfort requirement or perform HVACR electrical work or fuel gas supply as defined in 17 CAR §260-102.

(2) The licensee in this category is prohibited from the sale, installation, and service of HVACR equipment and systems.

(~~ed~~) (1) Class E entitles the licensee to perform “refrigeration” work as defined in Arkansas Code § 17-33-101 without regard to or limitation of horsepower. This license may include HVACR electrical work and fuel gas work to the appliance being installed.

(2) The licensee in this category is prohibited from the sale, installation, and service of heating and air conditioning equipment used for the treatment of air for human comfort requirements.

(~~fe~~) (1) Class L entitles the license holder to a “lifetime” license to perform HVACR service and maintenance work on air conditioning systems that develop a total of not more than fifteen (15) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit only.

(2) A lifetime license holder shall not install any original equipment or replace any existing HVACR equipment.

————(3) A lifetime license holder shall not employ registrants to perform HVACR

work.

17 CAR § 261-104. Qualifications and application for licensure.

(a)(1) Applicants for Class A, B, ~~C, D, or E~~, or registrant to a class holder licensure shall be at least eighteen (18) years of age.

(2) Applicants must make application to the Department of Labor and Licensing on forms prescribed by the HVACR Licensing Board.

(3)(A) The board shall approve an applicant for Class A, B, ~~C, D~~, or E licensure with examination provided that the applicant is currently licensed in another state or political subdivision of that state or territory, or district of the United States with which the board has no reciprocity, but whose HVACR licensing laws are substantially similar to those of the State of Arkansas and:

(i) Holds his or her occupational licensure in good standing;

(ii) Has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(iii) Is sufficiently competent in his or her field, and;

(iv) Pays the required license fee.

(B) In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

(C) In this section, "substantially similar" license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

(4) Applicants for licensure must pass a board-approved examination if the candidate for licensing does not hold licensing in another state or political subdivision of that state or territory or district of the United States.

(5)(A)(i) Applicants for licensure with no licensing background shall present satisfactory evidence of having at least two (2) years' experience as an HVACR

contractor or an employee of an HVACR contractor.

(ii)(a) The board may substitute HVACR-related educational training for experience provided that the educational training is approved by the board.

(b) Copies of educational transcripts shall be provided prior to board consideration.

(B) The board shall use the least restrictive requirements by allowing the licensing candidate to show proof of experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the applicant's work background as an HVACR contractor.

(C) In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure.

(6)(A) A designated license holder is the Class A, B, ~~C~~D, or E licensee who is responsible for the HVACR work performed.

(B) Employees of the designated license holder who perform HVACR work shall be registrants, unless otherwise exempt.

(C) The designated license holder shall be solely responsible to maintain the registration of all employees required to be registered under Arkansas Code § 17-33-303(d)(3) and this part.

(7) A person who designs HVACR systems as a service to a licensee and does not charge for that service is not required to obtain an HVACR license.

(8) Criminal background checks shall not be required.

(b) Qualifications and application for lifetime licensure.

(1) Applicants for a Class "L" lifetime license must be at least sixty-five (65) years of age and has been licensed by the board for ten (10) consecutive years.

(2) ~~Prior to application, applicants must have been eligible for~~ Only class holders with a current a Class A, Class B, ~~Class C~~, Class D, or Class E license in good standing with the board are eligible.

(c) ~~Temporary permits or provisional licensing license~~. When requested, the board shall immediately issue temporary ~~revocable permits or provisional~~ licensing to all Class A, B, ~~C~~D, or E applicants upon receipt of the application under the following

conditions:

(1)~~(A)~~ The temporary ~~permits or provisional~~ licensing shall be granted for ninety (90) days in accordance with 17 CAR § 261-112, License by reciprocity, unless the board determines the candidate for licensing does not meet the criteria as noted in this part in which case the ~~temporary permit or provisional licensing~~ license shall be revoked.

~~(B) The board may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the board for the applicant;~~

(2) Candidates for temporary ~~permits or provisional~~ licensing shall schedule to take the HVACR exam within sixty (60) days unless they be required to attend the scheduled examinations unless officially ~~excused or~~ forfeit their temporary ~~permit or provisional licensing~~ license

(3) The candidate holds his or her occupational licensure in good standing;

(4) The candidate has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;

(5) The candidate is sufficiently competent in his or her field; and

(6) The candidate pays the required license fee.

(d)(1) An individual is not eligible to receive or hold a license issued by the board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq., or otherwise sealed, pardoned, or expunged under prior law.

(2) The board may grant a waiver as authorized by Arkansas Code § 17-3-102 et seq., in certain circumstances.

(3)(A) The board is not authorized to conduct criminal background checks, but the board may inquire about criminal convictions at the time of license application or the renewal of a license.

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(B) Any applicant or licensee who provides false information to the board may be subject to:

- (i) Suspension;
- (ii) License revocation; or
- (iii) Denial of a license.

17 CAR § 261-105. Terms of expiration, renewal, and examination.

(a) All licenses called for under this part shall expire on the last day of the month one (1) year from the original date of issuance.

(b) Class A, B, ~~C~~, D, or E license examinations shall be offered at least four (4) times per year or as often as the HVACR Licensing Board determines to be appropriate.

17 CAR § 261-106. License and examination fees.

(a) The license fee for the Class A contractor shall be two hundred dollars (\$200) per year.

(b) The license fee for the Class B contractor shall be one hundred and fifty dollars (\$150) per year.

~~(c) The license fee for the Class C contractor shall be one hundred dollars (\$100) per year.~~

~~(d)~~ The license fee for the Class D contractor shall be one hundred fifty dollars (\$150) per year.

~~(e)~~ The license fee for the Class E contractor shall be one hundred fifty dollars (\$150) per year.

~~(f)~~ The license fee for the Class L "lifetime" license shall be "no charge".

~~(g)~~ The registrant fee is twenty-five dollars (\$25.00) per year.

~~(h)~~ Fees for the Class A, B, ~~C~~, D, or E examination shall be ~~a minimum of fifty five dollars (\$55.00) each for written exams and~~ one hundred dollars (\$100) each for ~~computerized~~ exams.

(i) The HVACR Licensing Board shall waive the initial licensing fee, not to include any required exam fees, if the applicant provides written documentation at the time of

application that applicant:

- (1) Is receiving assistance through the:
 - (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;
 - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

17 CAR § 261-107. Denial of license.

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration except that the HVACR Licensing Board may deny a license if the applicant has:

- (1) Committed any act which, if committed by a licensee or registrant, would be grounds for suspension or revocation of the license or registration;
- (2) Previously been denied a license or registration under this part for cause or previously had a license or registration revoked for cause; or
- (3) Knowingly made any false statement or misrepresentation on the application.

17 CAR § 261-108. Revocation of license.

The HVACR Licensing Board may, on its own motion, make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, suspend or revoke any license called for under this part if it has reason to believe that the holder of such license has violated any provision of this part or order prescribed by the board or has demonstrated a pattern of incompetence to act as an HVACR license holder or mechanical inspector.

17 CAR § 261-109. Procedures for suspension or revocation.

(a)(1) A copy of the complaint shall be served on the licensee complained against.

(2) The licensee's answer thereto shall be filed within twenty (20) days of the licensee's receipt of the complaint.

(b)(1) No order suspending or revoking a license or registration shall be made until after a public hearing set by the HVACR Licensing Board pursuant to the procedures of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) The hearing shall be held at the place designated by the board.

(3) The individual complained against shall have the right to be represented by counsel and to introduce any evidence in his or her defense.

(4) The conduct of the hearing shall be in accordance with recognized rules of procedure.

(c) The decision rendered as a result of the hearing may be appealed pursuant to the Arkansas Administrative Procedure Act.

(d) Any member of the board or a representative of the board shall have the authority to administer oaths for the taking of testimony.

~~(e) One (1) year after the date of revocation, an application may be made for a new license or registration.~~

17 CAR § 261-110. ~~Deferment and reinstatement~~Reinstatement.

~~(a)(1)(A) A Class A, B, C, D, or E contractor holding a current HVACR license may make application to the HVACR Licensing Board for deferment of such license.~~

~~—————(B) Deferred license means inactive and nonusable.~~

~~—————(2) The board, upon receipt of such application, may grant deferment of license.~~

~~—————(3) Deferments shall be renewed annually at a fee of:~~

~~—————(A) Forty dollars (\$40.00) for a Class A;~~

~~—————(B) Thirty dollars (\$30.00) for a Class B;~~

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~~_____ (C) Twenty dollars (\$20.00) for a Class C;~~
~~_____ (D) Thirty dollars (\$30.00) for a Class D; and~~
~~_____ (E) Thirty dollars (\$30.00) for Class E.~~
~~— (b) The board may grant a deferred license without deferment or reinstatement fees to members of the armed services or Class A, B, C, D, or E license holders who became legally appointed or employed mechanical inspectors.~~

(~~ea~~) (1) A Class A, B, ~~C~~, D, or E license holder, whose license expired for nonpayment of renewal fees, may make application for reinstatement of license.

(2) A penalty fee of ten dollars (\$10.00) per month shall be added for late payment. The penalty fee shall be calculated on the first day of each calendar month.

(3) The application must be supported with an amended experience record covering all experience subsequent to the date of the lapse.

~~(4) Upon receipt of the application and experience record, the board will determine whether to reinstate with or without examination.~~

(~~54~~) In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.

(~~db~~) (1) The board shall reinstate ~~a deferred~~ an expired license provided the applicant pays the current and past due license fees, late fees, and any outstanding civil money penalties if applicable. ~~for the type of license requested.~~

~~(2)(A) If the applicant has been deferred for over a five-year period, the board may request that the applicant complete a reinstatement form outlining work experience.~~

~~_____ (B) If it has been determined by the board that the applicant has not been affiliated with HVACR work since the original date of deferment, an examination may be required.~~

(~~32~~) Applicants for reinstatement, who have been delinquent for over ~~five (5)~~ three (3) years, ~~must shall~~ take the prescribed exam.

(~~43~~) In no case shall the reinstatement of the license require apprenticeship, education, or training as a prerequisite for reinstatement.

(~~ec~~) (1) A Class A, B, ~~C~~, D, or E contractor or registrant whose license has been

revoked may make application for a new license one (1) year after the date of revocation.

(2) Such application shall contain a statement of intent to comply with all pertinent laws and rules.

(3) The board shall issue a new license after the applicant has passed the prescribed examination and paid all applicable fees.

(d)(1) Requests for reinstatement of a suspended license or registration shall be made within five (5) business days of the end of the suspension period.

(2) Such requests shall contain a statement of intent to comply with all pertinent laws and rules.

(3) The board will not automatically change a license or registration from suspended status without a reinstatement request.

~~17 CAR § 261-111. Transfer of license.~~

~~—(a)(1) An HVACR license holder may transfer to a lower classification of HVACR license without examination.~~

~~—(2) A transfer fee of fifteen dollars (\$15.00) shall be charged.~~

~~—(3) Only a Class A license holder may transfer to a Class D or Class E license.~~

~~—(4) Class D and Class E licenses are specialty licenses and are not transferable to each other or with any other HVACR license.~~

~~—(b) An HVACR license holder may not transfer to a higher license without first meeting the qualification requirements of the HVACR Licensing Board and passing the prescribed exam.~~

~~—(c) A fifteen dollar fee shall be required and accompany each request for a revised license or to replace a lost or duplicate license or for a revised or lost identification card.~~

17 CAR § 261-~~112~~111. License by reciprocity.

(a)(1) The HVACR Licensing Board, as a means of facilitating interstate practice, may enter into reciprocal agreements with other states regarding HVACR licensing.

(2) Application license fees shall apply for the license requested, and

candidates for licensure under reciprocity shall not be required to pass an examination or participate in continuing education, training, or apprenticeship as a prerequisite to licensing for HVACR Class A, B, ~~C~~D, or E contractor.

(b) An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold an HVACR license in another United States jurisdiction that is substantially similar to Arkansas HVACR licensure requirements as established by this part.

(B) Minimum education requirements for licensure are not required;

(2) The applicant shall hold his or her occupational licensure in good standing;

(3) The applicant shall not have had a license revoked for an act of bad faith or a violation of:

(A) Laws;

(B) Rules; or

(C) Ethics;

(4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(5) The applicant shall be sufficiently competent in the mechanical HVACR installations.

(c) The board shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(1) Examinations shall not be required; and

(2) Apprenticeship, education, or training shall not be required as a prerequisite to licensure.

(d)(1) An applicant shall submit a completed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

(A) Copy of HVACR license from other jurisdiction;

(B) Completion of required forms from the other jurisdiction or jurisdictions showing the candidate's licensing status including:

- (i) Suspensions and revocations;
- (ii) Types of examinations administered; and
- (iii) Types of mechanical code used; and

(C)(i) Candidates shall also be required to submit the names of all states in which the candidates are either currently or have been previously licensed and confirmation that the license is in good standing.

(ii) The board has the authority to verify candidate licensing information.

17 CAR § 261-~~113~~112. Corrections of violations.

(a) An applicant applying for any license, or reinstatement or renewal of a license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of ~~Acts 1991, No. 277~~Arkansas Code §17-33-101 et seq, as amended, or this part.

(b) Where such violations have existed, the HVACR Licensing Board ~~may~~shall require: all back license fees, late fees, and any civil money penalties to be paid.

- ~~(1) All back license fees and penalties to be paid;~~
- ~~———— (2) All violations corrected; and~~
- ~~———— (3) Attendance of at least one (1) code training class on the subject of the violation confirmed in writing by the inspector issuing the violation report.~~

17 CAR § 261-~~114~~113. Inspections and fees.

(a)(1) The Department of Labor and Licensing may charge fees for inspections authorized under ~~Acts 1991, No. 277, as amended~~Arkansas Code §17-33-204.

(2) The fees for each installation shall be twenty-five dollars (\$25.00) for the first one thousand dollars (\$1,000) or fraction thereof, of valuation of the installation plus two dollars (\$2.00) for each additional one thousand dollars (\$1,000) or fraction thereof.

(3) Total inspection fees shall not exceed one thousand dollars (\$1,000) per job.

(4) Each additional reinspection shall be twenty-five dollars (\$25.00) each.

(b) The department may not charge an inspection fee to investigate consumer complaints and/or to assist the inspection authorities when making a survey or assisting them with inspections.

(c) The department may perform random inspections, and license checks on jobsites at no cost to the owner or HVACR license holder unless the inspection has been requested and meets the criteria of this part.

(d) All licensed HVACR contractors and registrants shall have on their person, or immediately available, their license and a form of photo identification always during which the licensee or registrant is performing HVACR work and shall provide such identification to any state or local government HVACR inspector, building inspector, or fire marshal upon request.

~~17 CAR § 261-115. Mechanical code book fees.~~ 17 CAR §261-114.

Municipal Mechanical Inspector.

~~—(a) The Department of Labor and Licensing may prepare and cause to be printed such codes, bulletins, or other documents as necessary for the purpose of enforcing this part.~~

~~—(b) The department may charge a fee for codes as printed in the Arkansas Mechanical Code book rule.~~

(a) All state, county, or local municipalities that have adopted a mechanical code inspection and permit program shall register the employed inspector with the board within thirty (30) days of employment.

(b) No fee will be required for issuance of a registration for a municipal mechanical inspector to a holder of a Class A or B license who is employed by a state, county, or local municipality.

(c)(1) Upon registration, a municipal mechanical inspector shall complete twelve (12) hours of training provided by the board.

(2) The board shall conduct training classes at least five (5) times per calendar year.

(d) Municipal mechanical inspector registration shall be renewed annually by December 31st and renewal shall include proof of attendance eight (8) hours of continuing education offered by the board or board approved provider.

(e) All municipal mechanical inspectors shall notify the board immediately of any unlicensed persons performing HVACR work on a form provided by the board.

(1) The municipal mechanical inspector shall collect and provide to the board's Chief Inspector, a copy of a government issued photo identification of any unlicensed person performing HVACR work.

(2) The municipal mechanical inspector shall dismiss the unlicensed person from the jobsite until such time as the individual has been properly licensed or registered with the board.

17 CAR § 261-~~116~~115. Penalties.

(a)(1) Any person who violates any provision of ~~Acts 1991, No. 277~~Arkansas Code §17-33-101 et seq., as amended, or violates any rule or order of the HVACR Licensing Board or any permit, license, registration, or certification may, in accordance with the rule issued by the board, be assessed a civil penalty by the board.

(2)(A) The penalty shall not exceed ~~two hundred fifty dollars (\$250)~~one thousand dollars (\$1,000) for each violation, and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

(B)(i) Prior to the assessment of a civil penalty, the responsible license holder charged with any code violations shall be given an opportunity to correct the violations.

(ii) Any person(s) who has performed HVACR work without holding an HVACR license or working outside the scope of their class license, shall be allowed to bring a competent, licensed HVACR contractor to complete or correct any HVACR work that is in violation of the code at his or her expense.

(Bc) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing, in accordance

with the Administrative Procedure Act, on the violation.

(3) The amount of any civil penalty levied by the board may be recovered in a civil action brought by the board in a court of competent jurisdiction, without paying costs or giving bond for costs.

(b) In addition to the civil penalty provided in this section, the board is authorized to petition any court of competent jurisdiction without paying costs or giving bond for costs to:

(1) Enjoin or restrain any violation of, or compel compliance with, the provisions of this part and any rules or orders issued thereunder;

(2) Affirmatively order that remedial measures be taken as may be necessary or appropriate to implement or effectuate the purposes and intent of this part; and

(3) Recover all costs, expenses, and damages to the board and any other agency or subdivision of the state in enforcing or effectuating the provisions of this section.

(c) An unlicensed person shall not be entitled to a mechanic's and materialman's lien, a laborer's lien, or any other artisan's lien for work done in violation of this part.

17 CAR § 261-~~117~~116. Responsibilities of the licensee.

(a) Each license shall be displayed at the contractor's place of business as listed with the HVACR Licensing Board.

(b)(1) Each licensed contractor shall display (in a prominent, legible manner) the license number and company name in letters not less than two inches (2") high on both sides of all service and installation vehicles used in conjunction with air conditioning and refrigeration contracting.

(2) ~~Additionally, the license number and company name shall be displayed at all job sites.~~The company name, license number, and phone number shall be displayed on a sign no less than 8 ½ by 11 inches in size at all job sites where new HVACR work is being performed.

(3) The company name, license number, and phone number shall be displayed on business cards of a company that performs HVACR work.

Example:

HVACR LICENSE #0000001

Company Name

Business Address

Business Phone Number

(c)(1) A license holder is required to notify the board in writing within thirty (30) days of any change in:

- (A) Permanent mailing address;
- (B) Business affiliation;
- (C) Business location; or
- (D) Business telephone number.

(2) A license revision is required for any change to permanent mailing address, change of business affiliation, or the business location reflected on the license.

(3) The permanent address on file with the board shall be considered the license holder's permanent address and all correspondence, including license expiration notice from the department, will be mailed to such address of record.

(4) A license holder wishing to revise a license shall request in writing the revision and pay the appropriate fee required in this part.

(5)(A) ~~A license holder requiring a replacement license or wallet card must send a notarized statement to the Department of Labor and Licensing indicating the loss and requesting the replacement.~~ A license class holder who has been designated as the responsible class holder for a company, business, or corporation and their registrants, shall notify the department in writing should the licensee no longer hold the designation of responsible class holder for HVACR work performed by the company, business, or corporation and their registrants, within five (5) business days.

(B) Payment of the fees required in 23 CAR § 261-111 must be submitted with the statement of loss.

(6) The ~~wallet card or license card~~ license for each license holder ~~or~~ registrant.

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or mechanical inspector on the jobsite must be with the person to whom it was issued, in a paper or digital form, for inspection by the state or local inspector in order to confirm the license status of the individual.

(d)(1) A license holder who holds a Class A, B, ~~C~~D, or E license shall:

(A) Maintain liability insurance for any work performed; or

(B) Be covered by an employer policy with the minimum coverage.

(2) The minimum coverage of the policy shall be:

(A) Two hundred fifty thousand dollars (\$250,000) for an individual licensee; or

(B) Two hundred fifty thousand dollars (\$250,000) per licensed employee for an employer provided policy.

(3) Proof of coverage shall be presented to the board at the time of issuance or renewal of license.

(4) A waiver of coverage can be made to the board if:

(A) The licensee's primary work is for a business, firm, or corporation whose primary job duty is to perform maintenance and repair work on company owned equipment; or

(B) The licensee is an instructor at a recognized school or apprenticeship program and is not actively engaged in performing HVACR work in a for profit enterprise.

(5) If a waiver is requested under subsection (d)(4) of this part, the licensee shall provide at the time of each renewal a letter from the business, firm, corporation, or school Human Resources office or other responsible official stating the licensee works in a "not for profit" position.

17 CAR § 261-~~118~~117. Exemptions.

(a) This part shall not apply to:

(1) Household appliances;

(2) American Gas Association (AGA)-approved unvented space heaters;

(3) Factory-assembled, air-cooled, self-contained refrigeration equipment of

one and a half horsepower (1.5 h.p.) or less and which has no refrigerant lines extending beyond the cabinet enclosure;

(4) Factory-assembled, air-cooled, self-contained window-type air conditioning units of thirty-six thousand (36,000) BTUH or less not connected to ducts;

(5) Window, attic, ceiling, and wall fans in residences; or

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of:

(A) Chicken;

(B) Turkey; or

(C) Other fowl.

(b) This part shall not apply to a person who:

(1) Performs HVACR work in an existing building or structure owned and occupied by him or her as his or her home;

(2) Performs HVACR work in an existing building or structure owned or occupied by him or her on his or her farm;

(3) Performs work for public utilities on construction, maintenance, and development work, which is incidental to their business;

(4) Performs work on motor vehicles;

(5) Is an architect or registered engineer who designs HVACR systems for design criteria only;

(6)(A) Is an employee of a hospital and who performs HVACR work which is incidental to the hospital's operation.

(B) Items related to healthcare facilities shall continue to be governed by the rules pertaining to healthcare facilities licensed under Acts 1961, No. 414, as amended and administered by the Department of Health, Division of Health Facilities Services;

(7) Installs or does maintenance work on a gas-fired floor furnace, wall furnace, or unit heater, if the person is licensed pursuant to Arkansas Code § 17-38-301 et seq. and the work is performed within the limitations of the person's license; or

(8) Is a pipefitter, welder, well driller, sheetmetal worker, or plumber working

under a Class A, Class B, Class D, or Class E licensee and who is enrolled in or has satisfactorily completed an apprenticeship training program, approved by the State of Arkansas, in his or her respective trade and the work is performed within the limitations of the person's license.

(c) The provisions of this part shall not apply to a person or public entity servicing or repairing its own HVACR system by its own personnel specifically trained for such service or repair.

(d) Any person exempt under this section is required to conform to rules on the performance of HVACR work as well as obtaining local permits and inspection as may be required by local ordinance.

17 CAR § 261-~~119~~118. Licensure, certification, or permitting of uniformed service members, veterans, and spouses under Arkansas Code § ~~17-1-106 [repealed]~~, 17-4-101 et seq.

(a) As used in this section:

(1) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this part or by the rules of the occupational licensing entity; and

(2) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The HVACR Licensing Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the United States for Class A, B, ~~C~~D, or E licensure and is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of a:

(A) Person under subdivision (b)(1) or (b)(2) of this section;

(B) Uniformed service member who is assigned a tour of duty that

excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(C) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The board shall grant such automatic licensure upon receipt of all of the below:

(1) Payment of the initial licensure fee;

(2) Evidence that the individual holds a substantially equivalent license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under the provisions of this section.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A full exemption from any continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

17 CAR § 261-~~120~~119. Continuing education.

(a)(1) No HVACR license shall be renewed unless the licensee completes at least ~~four (4)~~eight (8) hours of continuing education per ~~calendar year~~current International Mechanical Code cycle that is published by the International Code Council.

(2) Continuing education shall consist of classroom or other HVACR Licensing Board-approved instruction relating specifically to the construction, installation, maintenance, and repair of HVACR systems or the current International Mechanical Code published by the International Code Council.

(3) ~~Two (2) of the four (4) hours shall be on the mechanical code as adopted by the board. Any mechanical inspector of a county or local jurisdiction that has adopted a mechanical inspection program shall be registered annually with the board and attend an annual eight (8) hour continuing education course without charge provided by the board or board approved provider.~~

~~(4) The remaining two (2) hours may be on any other board approved instruction.~~

~~————(5) The first cycle shall begin on the effective date of this section and end on December 31, 2022.~~

(b) Approved continuing education hours.

(1) Continuing education hours required by this part shall be obtained only in programs and courses approved by the board.

(2) The board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate HVACR instruction.

(3)(A) Course curricula shall be presented to the board for approval at least sixty (60) days prior to the date of the course.

(B) The curricula shall be presented on a form approved by the board.

(C) Board staff may recommend course providers and curricula to the board for approval.

(D) The board may approve retroactive credit for courses completed during the current calendar year but before the effective date of this part.

(4)(A) Upon completion of a board-approved course, the course provider shall complete an attendance roster form approved by the board to confirm completion.

(B) The course provider shall submit this form to the board.

(C) The course provider's roster is the only document acceptable to confirm completion of course credit.

(D) Each course provider shall maintain this information not less than five (5) years from the course completion date.

(5) The board shall maintain:

(A) The attendance rosters submitted by course providers; and

(B) A list of board-approved courses.

(c) Failure to complete continuing education hours.

(1)(A) ~~If any licensee fails to complete the required continuing education hours before the end of calendar year, the licensee may obtain the required continuing~~

~~education hours within ninety (90) days without being subject to examination requirements or civil penalties for performing unlicensed HVACR work. All licensees must complete the continuing education class hours before the final year of the code cycle.~~

(B) All other civil penalties shall apply.

(2) If the licensee fails to obtain the required hours ~~within this ninety day period, the licensee shall be required to take another examination~~ the class holder license shall be suspended until such time as an approved, verifiable course certificate showing completion of the required hours is received by the board.

~~(d)(1) Notwithstanding the provisions of subdivision (c)(2) of this section, the required continuing education hours for the 2022 calendar year may be obtained no later than December 31, 2023, without the licensee being required to take another examination.~~

~~(2)~~ A licensee may be subject to civil penalties for performing unlicensed HVACR work and may be subject to an examination requirement pursuant to Arkansas Code § 17-33-302.

17 CAR § 261-~~121~~120. Earn and learn apprenticeships.

(a) The HVACR Licensing Board shall grant a license to an applicant who:

(1) Completes an apprenticeship as defined by Arkansas Code § 17-6-103(1) in the HVACR field;

(2) Passes an examination with a score required for licensure, if deemed to be necessary by the board and required of all applicants;

(3) Pays any fees deemed necessary by the board;

(4) Does not have a disqualifying criminal record as determined by the board under state law; and

(5) Completes all other requirements for licensure unrelated to training and education.

(b) Should the board deny an application under subsection (a) of this section, the board shall provide the applicant with a written denial detailing the reason for the denial, including whether the board determined the applicant's apprenticeship program

does not correspond to the HVACR field or level of license for which the applicant applied.

(c) An apprenticeship in the HVACR field is not required to exceed the number of hours required by the board, except as otherwise required by federal law.

17 CAR § 261-~~122~~121. The International Mechanical Code.

(a) The HVACR Licensing Board hereby adopts and incorporates herein the International Mechanical Code, 2021 edition, of the International Code Council, Inc., commonly referred to as the ICC.

(b) The International Mechanical Code, 2021, shall be the standard for the conduct of HVACR work.

(c) Copies of these standards incorporated by reference can be viewed in the offices of the board or can be ordered by contacting the following:

ICC Publications
4051 Flossmoor Road
Country Club Hills, IL 60478
1-888-422-7233
Home | ICC Store (iccsafe.org)

17 CAR § 261-~~123~~122. Severability.

If any provisions of this part, or the application thereof to any person, is held invalid, such invalidity shall not affect other provisions or application of this part which can be given effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

17 CAR § 261-~~124~~123. Repeal.

All rules and parts of rules in conflict herewith are hereby repealed.

LEGAL NOTICE

December 21-23, 2026

Pursuant to Arkansas Code Annotated §25-15-201 et seq. notice is hereby given that the Department of Labor and Licensing, HVACR Board is considering changes to its rules. The Administrative Rules of the HVACR Board are amended to incorporate changes from Act 746 of 2025..

Written comment will be accepted through January 26, 2026 by the Arkansas Department of Labor and Licensing at the above address or by email at adll.hvac@arkansas.gov. A copy of the proposed amendments may be obtained by calling the Code Enforcement Section at (501)-682-4547. A copy of the proposed amendments can also be accessed on the Department of Labor and Licensing's website at:

<https://www.labor.arkansas.gov/news/proposed-rule-making/>

or the Secretary of State's website at:

http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new

Lindsay Moore, Director
Code Enforcement Section
Department of Labor and
Licensing