

Arkansas HVAC/R Law

Act 277, 1991

Act 112, 1992

Act 344, 1997

&

Act 465, 1999

Arkansas Code 1987, Annotated
Title 17 Chapter 33

§ 17-33-101. Definitions.

As used in this chapter:

- (1) "Board" means the HVACR Licensing Board;
- (2) "BTUH" means British Thermal Unit per hour of heat;
- (3) "Department" means the Department of Health;
- (4) "Director" means the Director of the Department of Health;
- (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 (746) watts;
- (8) "HVACR gas fitting work" means gas fitting work for the purpose of supplying an HVACR system and shall be limited to installing six feet (6') or less final of 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;
- (9) "HVACR Licensing Fund" means a fund established under this chapter to be used exclusively to fund all activities covered under this chapter;
- (10) "HVACR maintenance work" means repair, modification, service and all other work required for the normal continued performance of an HVACR system. 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 § 20-23-101 et seq.;
- (11) "Licensee" means the holder of a license issued pursuant to this chapter;
- (12) "One ton" means twelve thousand (12,000) BTUH;
- (13) "Persons" means any individual, firm, partnership, copartnership, corporation, association, cooperative, or any other association or combination thereof;
- (14) "Public entity" means any agency of the State of Arkansas or any political subdivision of the state;
- (15) "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;
- (16) "Registrant" means a person who:
 - (A) Does not hold a Class A, Class B, Class C, Class D, or Class E HVACR license;
 - (B) Can only perform work for an HVACR licensee; and
 - (C) Holds a current HVACR registration;
- (17) "Repair" means the reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance;
- (18) "Subcontractor" means a person who performs a portion of the HVACR installation; and
- (19) "Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

§ 17-33-102. Exemptions.

- (a) This chapter shall not apply to:
 - (1) Household appliances;
 - (2) American Gas Association-approved unvented space heaters;
 - (3) Factory assembled air-cooled, self-contained refrigeration equipment of one and one-half horse power (1.5 h.p.) or less and which have 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 chicken, turkey, or other fowl.
- (b) This chapter shall not apply to a person who:
 - (1) Performs HVACR work in an existing building or structure owned and occupied by him as his home;
 - (2) Performs HVACR work in an existing building or structure owned or occupied by him on his 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) Is an employee of a hospital and who performs HVACR work which is incidental to the hospital's operation;
 - (7) Installs or does maintenance work on a gas-fired floor furnace, wall furnace, or unit heater, if the person is licensed pursuant to § 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, or plumber working under a Class A, Class B, 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 respective trade, and the work is performed within the limitations of the person's license.
- (c) The provisions of this chapter shall not apply to a person or public entity serving 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 regulations on the performance of HVACR work as well as obtaining local permits and inspections as may be required by local ordinance.

§ 17-33-103. HVACR gas fitting and electrical work.

- (a) Any individual licensed or registered to perform HVACR work may perform HVACR gas fitting work without obtaining any other license to perform the work. HVACR gas fitting work shall be performed in accordance with the appropriate standards for gas fitting work.

(b) Any individual licensed or registered to perform HVACR work may perform electrical connections to heating and air conditioning units without obtaining any other license to perform the work, so long as the connection is made to a disconnecting means suitable in capacity for the equipment to be served and is provided by others within ten (10) feet of the unit.

(c) Nothing in this chapter shall be construed as allowing an HVACR licensee to perform electrical work without complying with any applicable local code, city code, state code, or national code pertaining to electrical work.

§ 17-33-104. Local permits and licensing.

Any individual who is licensed or registered under this chapter shall not be required to obtain a license from any city or county to perform HVACR work. However, the work performed shall be subject to local permits and inspections if required.

§ 17-33-105. Penalties.

(a)(1) Any person who violates any provision of this chapter or violates any rule, regulation, or order of the HVACR Licensing Board or any permit, license, or certification may be assessed a civil penalty by the board in accordance with the regulations issued by the board. The penalty shall not exceed two hundred fifty dollars (\$250) for each violation, and each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

(2) 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 chapter and any rules, regulations, 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 chapter; 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 subchapter.

§ 17-33-106. Exemptions for licenses.

Persons licensed by the Liquefied Petroleum Gas Board pursuant to § 15-75-101 et seq. are exempt from the provisions of this chapter pertaining to heating, ventilation, air conditioning, and refrigeration when:

(1) Engaged in the installation, repair, or replacement of a liquefied petroleum gas appliance so long as the appliance is not connected to a refrigeration system, except that such persons may also engage in the replacement or repair of a liquefied petroleum gas central heating unit when it is combined with an air conditioning unit; and

(2) Engaged in the installation of a venting system required for a vented-type liquefied petroleum gas appliance.

§ 17-33-201. Creation - Members.

(a) There is hereby created the HVACR Licensing Board to be composed of nine (9) members appointed by the Governor of the State of Arkansas and confirmed by the Senate. The board shall be composed of the following members who shall be residents of the State of Arkansas:

(1) The secretary of the board shall be a representative of the Department of Health;

(2) Two (2) members of the board shall be Class A license holders whose business is located in the State of Arkansas;

(3) Two (2) members of the board shall be Class B license holders whose business is located in the State of Arkansas;

(4) One (1) member of the board shall be a mechanical engineer registered in the State of Arkansas who is directly associated with HVACR design;

(5) One (1) member of the board shall be a representative of a city or county HVACR Inspection Program;

(6) One (1) member of the board shall be a consumer with no personal or financial interest in the HVACR industry; and

(7) One (1) member of the board shall be a member of the Mechanical Contractors' Association of Arkansas who holds a current state contractor's license.

(b) A member shall serve until he is replaced by a successor.

(c) No member shall serve more than two (2) successive terms on the board, or until he ceases to be qualified as required by this chapter.

(d) The secretary of the board, who shall be an employee of the Department of Health, shall serve at the pleasure of the Governor, and all other members shall serve four-year terms.

(e) Members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

§ 17-33-202. Powers and duties.

The HVACR Licensing Board may:

(1) Adopt certain rules and regulations to ensure the proper administration and enforcement of this chapter;

(2) Adopt a mechanical code and standards for the conduct of HVACR work;

(3) Assist and advise the department on all matters related to licensing of HVACR maintenance work;

- (4) Conduct hearings on all matters related to the licensing and inspection of HVACR work;
- (5) Establish HVACR code inspection programs;
- (6) Conduct investigations into the qualifications of applicants for licensure at the request of the department;
- (7) Review applications for examination for a Class A, Class B, Class C, Class D, Class E, and Class L license;
- (8) Assist and advise the department in other such matters as is requested thereby; and
- (9) Establish fees for the proper administration of the requirements of this chapter.

§ 17-33-203. Administrative procedures.

For the purpose of this chapter, all hearings conducted by the board and all appeals taken from the decisions of the board shall be pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

§ 17-33-204. Fees.

(a)(1) The HVACR Licensing Board shall adopt a fee schedule by rule and regulation. The fee schedule may include, but is not limited to:

- (A) Testing fees;
- (B) License fees;
- (C) Civil penalty fees;
- (D) Registration fees;
- (E) Inspection fees;
- (F) Fees for code books;
- (G) Late renewal fees; and
- (H) Late penalty fees.

(2) The board may provide for a reduction in the fees of a person or partnership who holds one (1) or more licenses determined by the board to be HVACR-related and for which the board determines a reduction in fees should be allowed.

(b) Until a fee schedule is established by the board, the licensure and registration fees shall be as follows:

Class A License	\$200.00
Class B License	\$150.00
Class C License	\$100.00
Class D License	\$150.00
Class E License	\$150.00

Class L LicenseNo Charge

Registration Fee\$25.00

(c) The fees established by the board for licensure and registration shall not exceed the amounts provided for in subsection (b) of this section.

§ 17-33-205. Disposition.

(a)(1) All fees or payments of any type collected by the board under this chapter shall be deposited in the State Treasury as special revenues, and the State Treasurer shall credit the same to the "HVACR Licensing Fund" which is hereby created.

(2)(A) All funds deposited in the HVACR Licensing Fund shall be used for the maintenance, operation, and improvement of the HVACR Licensing and Inspection Program of the Department of Health.

(B) The Chief Fiscal Officer of the State is hereby authorized, from time to time, to make transfers of moneys from the State Budget Revolving Fund as loans to the HVACR Licensing Fund to be used for maintenance and operation of the HVACR Licensing and HVACR Inspection Program of the Department of Health; provided, that any such moneys loaned from the State Budget Revolving Fund to the HVACR Licensing Fund shall be repaid from fees derived from the HVACR Licensing and HVACR Inspection Program on or before the last day of the fiscal year in which the loan of the funds is made.

(3) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the HVACR Licensing and Inspection Program that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

(b) Any moneys received from the sale or trade of motor vehicles and other capital equipment purchased with HVACR licensing funds shall be credited to the HVACR Licensing Fund.

§ 17-33-301. License required.

(a) Beginning July 1, 1992, it is unlawful for any person to engage in HVACR work without the appropriate license or registration provided by this chapter, unless exempted pursuant to this chapter.

(b) It is unlawful for any licensee to allow a nonlicensed person to use his Arkansas HVACR license number for any purpose.

§ 17-33-302. Qualifications.

(a) An applicant for an HVACR license must meet the following minimum requirements:

- (1) The applicant must be an individual of at least eighteen (18) years of age;
 - (2) The applicant must make application to the department on forms prescribed by the HVACR Licensing Board;
 - (3) The applicant must specify the class of license desired;
 - (4) The applicant must meet all requirements specified by rule and regulation promulgated by the board;
 - (5) The applicant must pay the appropriate examination and license fees required by the board; and
 - (6) The applicant must pass the appropriate examinations specified by the board.
- (b) An applicant who fails an examination is eligible for reexamination.

§ 17-33-303. Classes of licenses.

(a) Except as otherwise provided in this chapter, every individual who designs, installs, constructs, maintains, services, repairs, alters, or modifies any HVACR system or any portion of an HVACR system in the State of Arkansas shall obtain one of the following classes of licenses and pay the fees prescribed by the HVACR Licensing Board:

- (1) Class A - Entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities;
- (2) Class B - Entitles the licensee 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;
- (3) 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. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment;
- (4) Class D - Entitles the licensee to perform sheet metal work as it relates to ductwork for HVACR systems without regard to or limitation of horsepower of the system to which the duct connects. The licensee in this category is prohibited from the sale, installation, and service of HVACR equipment and systems;
- (5) Class E - Entitles the licensee to perform refrigeration work as defined in § 17-33-101 without regard to or limitation of horsepower. 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; and

(6) Class L - Entitles a licensee to apply for and obtain a restricted lifetime license without having to pay a license fee in any specific category of license as defined in this chapter. The applicant must be at least sixty-five (65) years of age and hold a current license in good standing with the board. The board shall promulgate rules and regulations to define the specific requirements of the lifetime license.

(b) The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

(c) GRANDFATHER CLAUSE. Upon application to the board, every individual who has engaged in the performance of sheetmetal work as it relates to HVACR ductwork or refrigeration work as defined in § 17-33-101 as an employer or employee for at least two (2) years prior to July 1, 1999, shall be entitled to obtain a Class D or Class E license upon paying the appropriate fees. The application for licensure under this provision must be made before July 1, 2000.

(d)(1) An individual may perform HVACR work under a Class A, Class B, Class C, Class D, or Class E HVACR license holder by registering with the Department of Health.

(2) The registrant shall pay an annual registration fee as required by the board.

(3) All licensees are responsible for ensuring that all HVACR employees hold a current HVACR registration or HVACR license.

§ 17-33-304. Display of license number.

Every individual licensed under this chapter shall display his HVACR license number on all his business vehicles and in all forms of advertising, in a manner prescribed by the rules and regulations promulgated by the board.

§ 17-33-305. Grounds for denial.

All applicants who meet the requirements for licensure or registration shall be issued the appropriate license or registration, except that the board may deny a license if 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 chapter for cause or previously had a license or registration revoked for cause; or

(3) Knowingly made any false statement or misrepresentation on the application.

§ 17-33-306. Expiration and renewal.

All licenses or registrations issued under this chapter shall expire one (1) year after the date of issuance or at a time specified by the board. To renew a license or registration, the licensee must submit to the department, before the expiration date on a form prescribed by the department, the appropriate license or registration fees required by this chapter.

§ 17-33-307. Grounds for suspension or revocation.

The board, on its own motion, may make investigations and conduct hearings and, on its own motion or upon complaint in writing signed and verified by the complainant, suspend or revoke any license or registration if it finds that the holder of the license or registrant has:

- (1) Made a material misstatement in the application for license or registration or renewal thereof;
- (2) Demonstrated incompetency to act as a license holder or registrant according to rules and standards promulgated by the board; or
- (3) Has violated any provisions of this chapter or any rule, regulation, or order prescribed by the board.

§ 17-33-308. Procedure for suspension or revocation.

(a) A license may be suspended or revoked pursuant to the procedures of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) An appeal may be had from the hearing pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) Any member of the HVACR Licensing Board or a representative designated by the board shall have the authority to administer oaths for the taking of testimony.

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