

# ARKANSAS PLUMBER'S LAW

## A.C.A. Tit. 17, Subtitle 2., Ch. 38, Subch.

### 17-38-101. Definitions.

---

As used in this chapter:

**(1)** "Apprentice plumber" means any person other than a journeyman or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage and enrolled in a state-approved apprentice program;

**(2)** "Approved backflow preventor" means any permanent mechanical device or combination of permanent mechanical devices of whatever material that after installation according to the state plumbing regulations acts to prevent a reversal of the normal directional flow of potable water within the piping system in which it is installed;

**(3)** "Board" means the State Board of Health;

**(4)** "Department" means the Department of Health;

**(5)** "Final year of apprenticeship" means when an apprentice plumber has obtained four hundred eighty (480) hours or more of classroom instruction and completed six thousand (6,000) or more hours of on-the-job work in an approved United States Department of Labor apprenticeship program;

**(6)** "Gas utility serviceperson" means an employee of a gas utility specially trained for gas service work with the utility;

**(7)** "Journeyman plumber" means any person other than a master plumber who is engaged in the practical installation of plumbing;

**(8)** "Master plumber" means any person skilled in the planning, superintending, and practical installation of plumbing and familiar with the laws and rules governing it;

**(9)** "Plumbing" means:

**(A)** All piping, fixtures, appurtenances, and appliances:

**(i)** In connection with a supply of water within or adjacent to any building, structure, or conveyance on the premises and to the connection with a utility water meter or other public water utility property or other source of supply;

**(ii)** For sanitary drainage or storm drainage facilities, including venting systems for facilities, within or adjacent to any building, structure, or conveyance and connected with a public disposal or private disposal system or other point of disposal; or

**(iii)** Used in the installation of natural gas; and

**(B)** The installation, repair, maintenance, and renovation of all piping, fixtures, appurtenances, and appliances for a supply of water or for the disposal of wastewater, liquid

waste, or sewage within or adjacent to any building, structure, or conveyance on the premises and to the utility water meter or other public utility property or point-of-disposal waste; and

**(10)** “Restricted plumber” means a person qualified to install building water or sewer lines or other special phases of plumbing if the person has demonstrated competency for that particular phase of plumbing.

History

Acts 1951, No. 200, § 1; 1973, No. 385, § 1; 1975, No. 902, § 1; A.S.A. 1947, § 71-1205; Acts 1987, No. 816, § 1; 2003, No. 1217, § 1; 2017, No. 971, § 1; 2019, No. 315, § 1437.

### **17-38-102. Prohibitions and penalties.**

---

**(a)** Any person, firm, or corporation that engages in or follows the business or occupation of, or advertises or holds himself or herself or itself out as, or acts temporarily or otherwise as a plumber without first having secured the required license or permit, or that otherwise violates any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than thirty (30) days, or by both fine and imprisonment. Each day during which a violation continues shall be a separate offense.

**(b)** Any person who shall do any act prohibited in this chapter or fail to obey a lawful order of the Department of Health or a judgment or decree of a court in connection with this chapter shall be punished by imprisonment in the county jail for not more than three (3) months or by a fine not exceeding five hundred dollars (\$500). Each day during which the violation continues shall constitute a separate offense.

**(c)** Any person, firm, or corporation that shall employ an apprentice of plumbing representing him or her to be a journeyman or that shall charge for an apprentice a journeyman's wage shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the county jail for not more than thirty (30) days. Each day of violation shall be a separate offense.

**(d)**

**(1)** Every firm, person, or corporation that violates any of the provisions of this chapter or the rules or orders issued or promulgated by the State Board of Health or that violates any condition of a license, permit, certificate, or any other type of registration issued by the committee may be assessed a civil penalty by the committee.

**(2)** The penalty shall not exceed one thousand dollars (\$1,000) for each violation.

**(3)** Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

**(e)** All fines collected under this section shall be deposited into the State Treasury and credited to the Plumbers Licensing Fund to be used to defray the costs of administering this chapter.

**(f)** Subject to such rules as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the department is authorized to transfer all unexpended funds relative to

finer collected under this section, 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.

**(g)** All rules promulgated pursuant to this section shall be reviewed by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof.

History

Acts 1951, No. 200, § 11; 1975, No. 902, § 9; A.S.A. 1947, § 71-1215; Acts 1987, No. 816, § 10; 1995, No. 788, § 1; 1997, No. 179, § 11; 2019, No. 315, §§ 1438, 1439.

### **17-38-103. Scope of state plumbing code.**

---

**(a)** After adoption according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the provisions of the state plumbing code or amendments to the code as adopted by the State Board of Health defining plumbing work and prescribing minimum requirements for design, materials, appliances, workmanship, and methods of installation shall have the effect and force of law in the form of minimum standards statewide in application. The provisions shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision of the state.

**(b)** All plumbing installations shall be made to conform to the state plumbing code.

History

Acts 1951, No. 200, § 12; 1963, No. 555, § 2; 1975, No. 902, § 10; A.S.A. 1947, § 71-1216; Acts 1987, No. 816, § 11; 2003, No. 1217, § 2.

### **17-38-104. Inspections by state in cities having enforcement officers.**

---

**(a)**

**(1)** The Department of Health inspectors may go into any city that has a city code enforcement officer and assist the city code enforcement officer for the purpose of ensuring that the minimum standards of the state plumbing code and plumber licensing rules are being met.

**(2)** A written report of all inspections performed by the department inspector under this section shall be prepared by the department inspector, and a copy of the report shall be furnished within five (5) days to the city code enforcement officer and the owner of the property on which the inspection by the department inspector and city inspector is conducted.

**(b)** The Freedom of Information Act of 1967, § 25-19-101 et seq., shall apply to all documents compiled during an inspection conducted by the department.

History

Acts 1987, No. 816, § 11; 2003, No. 1217, § 3; 2019, No. 315, § 1440.

### **17-38-105. Exceptions.**

---

This chapter shall not apply to:

**(1)** The installation, maintenance, repair, or renovation of fire protection sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system

provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems;

**(2)** The construction, installation, maintenance, repair, renovation, or removal of pipe or piping systems and related mechanical appurtenances, appliances, or equipment used in connection with boilers or related pressure piping as defined in § 20-23-101, commercial or residential swimming pools, or irrigation sprinkler systems from a point or location in a source of potable water supply at which point or location there exists any approved backflow preventor;

**(3)** Piping, fixtures, appurtenances, and appliances for and in connection with liquefied petroleum gas systems as defined in § 15-75-102; or

**(4)**

**(A)** The minimum number or location of plumbing fixtures or toilet facilities for use by the public within buildings, offices, or facilities maintained by banks, savings and loan associations, or credit unions for the conduct of their business.

**(B)** This exemption applies to any existing or future plumbing codes or rules promulgated by the State Board of Health, or its successor agency.

**(C)** No municipality or county shall pass or enforce any code or regulation regarding the minimum number or location of plumbing fixtures or toilet facilities for use by the public within buildings, offices, or facilities maintained by banks, savings and loan associations, or credit unions.

History

Acts 2003, No. 1217, § 4; 2005, No. 1016, § 1; 2019, No. 315, § 1441.

### **17-38-106. Water distribution piping under concrete slabs.**

---

**(a)** Inaccessible water distribution piping under concrete slabs may be cross-linked polyethylene PEX (SDR9) pipe.

**(b)** Cross-linked polyethylene PEX (SDR9) pipe shall meet ASTM F-876/F-877 and NSP standards 14 and 61.

History

Acts 2007, No. 466, § 1.

### **17-38-107. Service sinks — Definition.**

---

**(a)**

**(1)** As used in this section, “commercial building” means a building for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses.

**(2)** “Commercial building” does not include a food service establishment.

**(b)** A commercial building shall not be required to include a plumbing service sink, either at construction or as part of a renovation or remodeling, if the building owner or an agent of the

building owner communicates to the plumbing code official at the time of construction or renovation that the actual or proposed number of persons that will occupy the building is fifteen (15) or less.

**(c)** For the purposes of determining the minimum number of plumbing service sink fixtures required in a building, the number shall not be determined by using building occupancy loads as calculated in the Arkansas Fire Prevention Code.

History

Acts 2011, No. 1134, § 1.

### **17-38-201. Powers and duties generally — Definition.**

---

**(a)** The State Board of Health shall have the following powers:

**(1)** To ensure that the construction, installation, and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, shall be safe and sanitary in order to safeguard the public health;

**(2)**

**(A)** To have general supervision of all plumbing and, according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall prescribe and publish and enforce minimum reasonable standards that shall be uniform as far as practicable.

**(B)** The Secretary of the Department of Health or any employee of the Department of Health designated by the State Board of Health may act for the State Board of Health except in adoption of rules;

**(3)** To prescribe rules as to the qualifications, examination, and licensing of master plumbers and journeyman plumbers and for the registration of apprentice plumbers;

**(4)** To assign the duties of the Committee of Plumbing Examiners;

**(5)**

**(A)** To prescribe rules as to the use of corrugated stainless steel piping.

**(B)** Such rules shall be no more stringent than the American National Standards for Interior Fuel Gas Piping Systems; and

**(6)**

**(A)** To require that a survey and inspection for leaks, proper venting, and general condition of the natural gas piping system and gas utilization equipment connected thereto, including appliances, serving any school accredited by the State Board of Education shall be performed as frequently as necessary, but at intervals not exceeding one (1) year. School officials shall be responsible to ensure that these surveys and inspections are performed by a qualified agency and that proof of the survey results are provided to the Division of Protective Health Codes of the Department of Health by September 1 each year.

**(B)** As used in subdivision (a)(6)(A) of this section, “qualified agency” means any individual, firm, corporation, or company which either in person or through a representative is engaged in and is responsible for the installation, replacement, or repair of consumer gas piping, or

the connection, installation, repair, or servicing of gas utilization equipment, and is experienced in such work and familiar with all precautions required and has complied with all requirements of the State Board of Health and the department and the codes and rules.

**(b)** The State Board of Health shall prescribe rules governing plumbing apprentice training committees and, in cooperation with educational authorities, assist in related training programs for plumbers.

**(c)** The department may exercise such powers as are reasonably necessary to carry out the provisions of this chapter. Among other things, it may:

**(1)** Employ competent supervisors who shall be licensed plumbers or licensed engineers, employ other assistants, and prescribe qualifications and assign duties for the supervisors and assistants;

**(2)** Conduct investigations and experiments for the advancement of technical knowledge relating to plumbing and hold public meetings and attend or be represented at the meetings within or without the state;

**(3)** Enter and inspect at reasonable hours plumbing installations on private or public property and disseminate information relative to the provisions of this chapter;

**(4)** Prepare and cause to be printed such codes, bulletins, or other documents as may be necessary and furnish copies thereof to those engaged in the plumbing business and to the public upon request;

**(5)** Charge a reasonable fee for plumbing inspections;

**(6)** Furnish upon request of the owner of the building or of the plumber making the plumbing installation, recommendations or a certificate of inspection;

**(7)** Issue restricted licenses limited to gas fitter, residential and governmental maintenance, service line installation, solar mechanic, and hospital maintenance licenses if the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed and if the State Board of Health has adopted rules defining restrictions in the type of work allowed, geographical area served, and term of the type of restricted license; and

**(8)** Prepare a list giving the names and addresses of all licensed plumbers and registered apprentice plumbers.

**(d)**

**(1)** The State Board of Health shall prescribe rules as to the qualifications, examination, and licensing of master plumbers and journeyman plumbers and for the registration of plumbing apprentices.

**(2)** The State Board of Health shall publish a list giving the names and addresses of all licensed plumbers, registered plumbers, and city plumbing inspectors.

**(e)** The State Board of Health may issue special licenses and restricted licenses, including, but not limited to, gas licenses and other licenses which may cover a special phase of plumbing, provided that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed.

**(f)** The department shall issue a restricted gas utility license to all gas utilities having gas servicepersons. The license shall cover all of the servicepersons of the utility if the utility requires each serviceperson to be specially trained for this service. The utility shall be responsible to the department for each serviceperson and shall provide an identification card showing the utility name, utility license number, and the restricted service of the serviceperson. The utility shall register each serviceperson and his or her serial number with the department.

**(g)** The State Board of Health shall allow the use of a harvested rainwater system used for a nonpotable purpose if the harvested rainwater system:

- (1)** Is designed by a professional engineer licensed in Arkansas;
- (2)** Is designed with appropriate cross-connection safeguards; and
- (3)** Complies with the state plumbing code.

**(h)** The department and the State Board of Health shall:

- (1)** Accept plumbing plan review documents via email, via mail, or in person; and
- (2)** Respond to an individual or entity submitting plumbing plan review documents via email, unless the individual or entity indicates that the individual or entity would prefer to receive the response via mail.

History

Acts 1951, No. 200, § 2; 1975, No. 902, § 2; A.S.A. 1947, § 71-1206; Acts 1987, No. 816, § 2; 1993, No. 638, § 1; 1995, No. 982, § 1; 2003, No. 1217, §§ 5, 6; 2009, No. 361, § 1; 2019, No. 315, §§ 1442-1448; 2019, No. 889, § 1; 2019, No. 910, § 471.

**17-38-202. Committee of Plumbing Examiners.**

---

**(a)**

**(1)** The State Board of Health shall appoint a Committee of Plumbing Examiners consisting of seven (7) voting members, prescribe their qualifications, and assign their duties.

**(2)** Qualifications of the members of the committee shall be as follows:

- (A)** Two (2) of the members shall be master plumbers;
- (B)** One (1) shall be a journeyman plumber;
- (C)** One (1) shall be a professional engineer as defined in § 17-30-101 with special expertise in plumbing design;
- (D)** Two (2) shall be consumers; and

**(E)** One (1) shall be a representative of the Department of Health.

**(b)** The member from the department shall serve on the committee until replaced by the Secretary of the Department of Health.

**(c)** The term of office for the remaining members shall be for a staggered term of four (4) years. The board may remove a member for cause.

**(d)** When so directed, the committee and other employees of the department shall serve the board in an advisory capacity in the formulating of rules to be adopted by the board.

**(e)** Those members of the committee who are not employees of the State of Arkansas may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

**(f)** The Director of the Plumbing and Natural Gas Section of the Department of Health shall serve as executive secretary for the committee.

History

Acts 1951, No. 200, § 3; 1975, No. 902, § 3; A.S.A. 1947, § 71-1207; Acts 1987, No. 816, § 3; 1991, No. 330, § 1; 1997, No. 250, § 144; 2011, No. 897, § 14; 2019, No. 315, § 1449; 2019, No. 910, § 472.

### **17-38-203. Regulation of training.**

---

**(a)** The State Board of Health shall prescribe rules governing plumbing apprentice training committees and, in cooperation with educational authorities, assist in related training programs for plumbers.

**(b)** Any university, college, or school offering a full-time recognized course in plumbing or any recognized national educational program is exempt from the requirements of subsection (a) of this section, provided that the educational program meets or exceeds the national plumbing apprenticeship requirements.

History

Acts 1951, No. 200, § 3; 1975, No. 902, § 3; A.S.A. 1947, § 71-1207; Acts 2019, No. 315, § 1450.

### **17-38-204. Local regulatory authority — Exceptions.**

---

**(a)** A city, town, or county having a system of either water, sewerage, or gas utility, or a combination of utilities, by ordinance, rules, regulations, or customer contract shall prescribe rules and regulations governing plumbing not in conflict and equal to or exceeding the minimum standards prescribed by the Department of Health.

**(b)** A plumbing installation shall not be:

**(1)** Installed in any building within this state except in accordance with or exceeding the minimum requirements of the department; or

**(2)** Started without the prescribed licenses, permits, and acceptable plan review of plumbing plans and specifications when required.



**(c)** A city, town, sewerage district, water district, sewer association, water association, utility gas system, or county having a system of either water, sewerage, or gas utility, or a combination of utilities, shall establish a system of permits and inspections to assure that the public health and safety is protected.

**(d)** Reasonable fees for inspections may be charged.

**(e)** This chapter does not prohibit a city, town, or county from having full authority to provide full supervision of the inspection of plumbing and plumbers by enactment of ordinances or regulations by the legal local government body.

**(f)**

**(1)** However, when a system of either water, sewerage, or gas has been or will be established and has not provided for a local board or inspector to supervise plumbing or gas, the department may take immediate charge and entire control of the plumbing inspection program.

**(2)** The State Board of Health shall prescribe full rules including permits, permit fees, and inspections.

**(g)** When the plumbing control program of a county, city, town, water district, water association, sewerage district, sewer association, or water, sewer, or gas utility fails to provide a program at least equal to the minimum requirements of the department, the department shall take measures to meet the minimum state requirements to protect the public health and safety of the county, city, town, water district, water association, sewerage district, or water, sewer, or gas utility.

**(h)**

**(1)** If a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county enacts an ordinance or regulation to provide for plan reviews of plumbing plans, the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may have an employee who is certified as a plumbing and natural gas inspector perform plan reviews of plumbing plans.

**(2)**

**(A)**

**(i)** All plumbing plans approved under subdivision (h)(1) of this section shall not be required to be:

**(a)** Submitted with a payment of a fee to the department if a fee is submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county; or

**(b)** Reviewed by the department if an engineer licensed in this state has prepared the plumbing plan and the employee described under subdivision (h)(1) of this section is a licensed engineer in this state.

(ii) However, a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county may submit a plumbing plan to the department for an advisory opinion.

(B) The department shall not require the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county to relinquish or surrender a fee submitted to the city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(C) The maximum allowable fee for a plan review under subdivision (h)(1) of this section shall not exceed the fees set out in § 20-7-123(b)(2).

(3)

(A) An employee who performs a plan review under subdivision (h)(1) of this section has the responsibility to ensure that the plumbing plan meets state requirements.

(B) The department may audit or inspect the records of an employee who performs a plan review under subdivision (h)(1) of this section.

(4) This section does not:

(A) Create a cause of action against a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county for any resulting damages or failures of the plumbing plan; or

(B) Prohibit a person from seeking a plan review from and paying a fee to the department in lieu of seeking a plan review from and paying a fee to a city, town, sewerage district, water district, sewer association, water association, utility gas system, or county.

(5) A plumbing plan review under this section includes a review of the plumbing as defined in § 17-38-101 and the water supply, water lines, and sewage line designs.

History

Acts 1951, No. 200, §§ 4, 5; 1975, No. 902, §§ 4, 5; A.S.A. 1947, §§ 71-1208, 71-1209; Acts 1987, No. 816, §§ 4, 5; 2017, No. 157, § 1; 2019, No. 889, § 2.

### **17-38-205. Disposition of funds — Loans.**

---

(a) All fees or payments of any type collected by the State Board of Health under this chapter shall be deposited into the State Treasury on or before the fifth day of the month next following the month of collection thereof, and the Treasurer of State shall credit the fees or deposits to the credit of the "Plumbers Licensing Fund", which is hereby created.

(b) All funds deposited into the Plumbers Licensing Fund shall be used for the maintenance, operation, and improvement of the plumbers licensing and inspection services of the board.

(c) The Chief Fiscal Officer of the State is authorized, from time to time, to make transfers of moneys in the Budget Stabilization Trust Fund as loans to the Plumbers Licensing Fund to be used for maintenance and operation of the plumbers licensing and plumbing inspection program of the Department of Health. Any moneys loaned from the Budget Stabilization Trust Fund to the Plumbers Licensing Fund shall be repaid from fees derived from the plumbers

licensing and plumbing inspection program on or before the last day of the fiscal year in which the loan of the funds is made.

**(d)** All moneys received from the sale or trade of motor vehicles purchased with funds from the Plumbers Licensing Fund shall be credited to the Plumbers Licensing Fund.

History

Acts 1951, No. 200, § 13; 1957, No. 372, § 1; A.S.A. 1947, § 71-1217; Acts 1987, No. 816, § 12; 1991, No. 330, § 2.

### **17-38-301. License required.**

---

**(a)**

**(1)** No person shall engage in work as a master plumber, journeyman plumber, apprentice plumber, or restricted license holder called for under this chapter or adopted rules unless first licensed or registered to do so by the Department of Health.

**(2)** No person other than a licensed master plumber shall use or display the title “master plumber” or append his or her name to or in connection with such a title or any other title or words that represent or may tend to represent him or her as a licensed master plumber.

**(b)**

**(1)** In any city or town or in any sewerage district, water district, water association, sewer association, or utility gas system, no person, firm, or corporation shall install plumbing unless a licensed master or restricted licensed plumber who shall be responsible for proper installation is in charge at all times.

**(2)**

**(A)** No license shall be transferable.

**(B)** It shall be unlawful for any licensed plumber to allow the use of his or her license, directly or indirectly, for the purpose of obtaining local permits for others.

**(C)** He or she shall not allow the use of his or her license by others to install plumbing work.

**(c)**

**(1)** No person shall act as a plumbing inspector in this state without first obtaining a certificate of competency as a plumbing inspector, which shall be issued by the department.

**(2)** The department may issue special certification for special phases of plumbing and may issue an inspector-in-training certificate to duly appointed plumbing inspectors.

History

Acts 1951, No. 200, §§ 6, 10; 1975, No. 902, § 6; A.S.A. 1947, §§ 71-1210, 71-1214; Acts 1987, No. 816, § 6; 2003, No. 1217, § 7; 2019, No. 315, § 1451.

### **17-38-302. Exemptions.**

---

The licensing provisions of this chapter shall not apply to:

**(1)** Plumbing work done by a property owner in a building owned and occupied by him or her as his or her home except when the license is required by local ordinance;

**(2)** Work done on buildings whose primary use is agricultural and located outside the incorporated limits of any city or town unless the buildings are connected to a public water system, sewerage system, or natural gas utility system;

**(3)** Minor repairs consisting of repairing minor working parts of plumbing, fixtures, or the removal of stoppages;

**(4)** An individual certifying or repairing backflow devices within the scope of a plumbing system if the individual holds a certificate of competency from the Plumbing and Natural Gas Section of the Department of Health; or

**(5)** The construction, installation, maintenance, repair, renovation, or removal of a storm sewer system not connected to a sanitary sewer system.

History

Acts 1951, No. 200, § 12; 1963, No. 555, § 2; 1975, No. 902, § 10; A.S.A. 1947, § 71-1216; Acts 1987, No. 816, § 11; 2003, No. 679, § 1; 2003, No. 1217, § 8.

### **17-38-303. Temporary permits.**

---

The Committee of Plumbing Examiners of the State Board of Health may issue temporary revocable permits to master plumber and journeyman plumber license applicants pending examination. The State Board of Health shall make rules and prescribe procedures governing the issuance of the permits.

History

Acts 1951, No. 200, § 3; 1975, No. 902, § 3; A.S.A. 1947, § 71-1207; Acts 1987, No. 816, § 3; 2003, No. 1217, § 9.

### **17-38-304. Master plumber or journeyman plumber — Application.**

---

**(a)** Application for a master plumber or journeyman plumber examination, temporary permit, or license shall be made to the Department of Health with fees.

**(b)** No license or permit shall be transferable.

**(c)** Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness.

**(d)**

**(1)** An applicant for the master plumber examination shall have a minimum of five (5) years of plumbing experience.

**(2)** An applicant for the journeyman plumber examination shall have a minimum of four (4) years of plumbing experience.

**(e)** The Committee of Plumbing Examiners shall approve an applicant for master plumber or journeyman plumber examination provided that the applicant is currently licensed as a master plumber or journeyman plumber in another state or political subdivision of that state whose plumbing laws and codes are similar to those of this state.

**(f)** The committee may approve an applicant for examination who is not currently licensed in another state or its political subdivision or who has no plumber licensing background, provided the applicant shows proof of experience as a plumber in accordance with subsection (d) of this section. The proof of experience may be in the form of records, affidavits, or bona fide evidence from licensing agencies, former employers, or persons who can attest to the applicant's work background as a plumber.

**(g)** The committee may consider applicants for the master plumber examination who are registered professional engineers with special expertise in plumbing engineering.

**(h)** An individual applying for and obtaining a license as a journeyman plumber shall be eligible for the master plumber examination after being licensed as a journeyman plumber for one (1) year. In cases of extreme hardship, the committee may waive the one-year requirement in whole or in part.

**(i)** The committee shall consider an apprentice plumber for the journeyman plumber examination, provided the apprentice plumber has successfully completed the training as defined under the plumber apprenticeship rules.

#### History

Acts 1951, No. 200, § 7; 1975, No. 902, § 7; A.S.A. 1947, § 71-1211; Acts 1987, No. 816, § 7; 1991, No. 330, § 3; 2001, No. 1293, § 1; 2019, No. 315, § 1452.

### **17-38-305. Fees.**

---

By rule and after public hearings, the State Board of Health may set reasonable license or examination fees for all licenses called for under this chapter, including, but not limited to, master plumber licenses, journeyman plumber licenses, apprentice plumber registration, gas utility licenses, and restricted plumber licenses.

#### History

Acts 1951, No. 200, § 8; 1963, No. 555, § 1; 1975, No. 902, § 8; A.S.A. 1947, § 71-1212; Acts 1987, No. 816, § 8; 2019, No. 315, § 1453.

### **17-38-306. Examinations.**

---

Regular examinations shall be held at least two (2) times a year, and special examinations may be held at such time and place as may be fixed by the Department of Health.

#### History

Acts 1951, No. 200, § 7; 1975, No. 902, § 7; A.S.A. 1947, § 71-1211; Acts 1987, No. 816, § 7.

### **17-38-307. Notice of address change.**

---

Every holder of a license shall promptly notify the State Board of Health of any change of his or her business address.

#### History

Acts 1951, No. 200, § 10; A.S.A. 1947, § 71-1214.

### **17-38-308. Expiration and renewal.**

---

**(a)** All licenses shall be renewed annually within thirty (30) days after the expiration date of the license. The Department of Health may renew a license after the thirty-day period if there is sufficient reason for not renewing the license in the time specified and after payment of penalties as prescribed by rule.

**(b)** The department may set a system of staggered expiration dates for all licenses issued by the department.

**(c)** The department may issue permits for less than one (1) year. The cost of such permits shall be determined based upon the number of months the permit is valid divided by twelve (12) months multiplied by the amount of the annual permit fee.

History

Acts 1951, No. 200, § 8; 1963, No. 555, § 1; 1975, No. 902, § 8; A.S.A. 1947, § 71-1212; Acts 1987, No. 816, § 8; 1991, No. 330, § 4; 2019, No. 315, § 1454.

### **17-38-309. Grounds for suspension or revocation.**

---

The Committee of Plumbing Examiners, 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 and upon not less than ten (10) days' notice to the licensee, may suspend any plumber's license or temporary permit if the committee has reason to believe, and may revoke the license or permit in the manner provided in § 17-38-310 if it finds, that the holder of the license or permit has:

**(1)** Made a material misstatement in the application for license or renewal thereof or for temporary permit;

**(2)** Demonstrated incompetency to act as a license holder; or

**(3)** Has willfully violated any provisions of this chapter or any rule or order prescribed by the State Board of Health.

History

Acts 1951, No. 200, § 9; A.S.A. 1947, § 71-1213; Acts 1987, No. 816, § 9; 2019, No. 315, § 1455.

### **17-38-310. Procedure for suspension or revocation.**

---

**(a)** Suspensions, revocations, civil penalties, and all other such actions regarding licensure, registration, permitting, certification, or apprenticeship, and all appeals to the State Board of Health taken from such actions shall be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**(b)** Any member of the Committee of Plumbing Examiners of the State Board of Health, a representative designated by the committee, any member of the board, or a representative designated by the board shall have the authority to administer oaths for the taking of testimony.

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

History

Acts 1951, No. 200, § 9; A.S.A. 1947, § 71-1213; Acts 1987, No. 816, § 9; 1995, No. 788, § 2.

### **17-38-311. Restricted lifetime master plumber license.**

---

**(a)** Upon reaching sixty-five (65) years of age or any time thereafter, any person who has been a licensed master plumber licensed by the Department of Health for not less than twelve (12) years may apply for a restricted lifetime master plumber license. This license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the department.

**(b)** The department shall promulgate rules necessary to carry out the provisions of this section.

History

Acts 1991, No. 330, § 5; 2019, No. 315, § 1456.

### **17-38-401. Definitions.**

---

As used in this subchapter:

**(1)** “Apprentice plumber” means any person other than a journeyman plumber or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage and enrolled in a state-approved apprentice program;

**(2)** “Board” means the Career Education and Workforce Development Board; and

**(3)** [Repealed.]

History

Acts 1987, No. 768, § 1; 1991, No. 412, § 1; 2019, No. 910, § 473.

### **17-38-402. Powers of Career Education and Workforce Development Board.**

---

The Career Education and Workforce Development Board shall have the following powers:

**(1)** To ensure that all persons working as apprentice plumbers are properly registered;

**(2)** To adopt rules as to the qualifications, training, and supervision of apprentice plumbers subject to the approval of the Department of Health; and

**(3)** To adopt rules establishing the roles and duties of the following organizations or officials in the plumbing apprenticeship program in compliance with the Revised National Guidelines for Apprenticeship Standards for plumber training as approved and registered with the United States Office of Apprenticeship:

**(A)** The Office of Skills Development; and

**(B)** The State Plumbing Apprenticeship Committee.

**(4)** [Repealed.]

History

Acts 1987, No. 768, § 2; 1991, No. 412, § 2; 2019, No. 315, § 1457; 2019, No. 910, §§ 474, 475; 2021, No. 647, § 15.

### **17-38-403. State Plumbing Apprenticeship Committee.**

---

**(a)** The Career Education and Workforce Development Board shall appoint a State Plumbing Apprenticeship Committee consisting of seven (7) voting members as follows:

**(1)** Two (2) shall be Arkansas state-licensed journeyman plumbers;

**(2)** One (1) shall be a citizen member; and

**(3)** Four (4) shall be Arkansas state-licensed master plumbers.

**(b)** One (1) of the voting members shall be appointed from each congressional district, and three (3) of the voting members shall be appointed from the state at large.

**(c)** The Director of the Office of Skills Development or his or her designee shall serve as a nonvoting advisory member to the State Plumbing Apprenticeship Committee.

**(d)** Voting members shall serve four-year terms.

**(e)** The members of the State Plumbing Apprenticeship Committee may receive expense reimbursement in accordance with § 25-16-901 et seq.

**(f)** The board shall prescribe State Plumbing Apprenticeship Committee members' qualifications and prescribe their duties.

**(g)** The board may remove a member for cause.

History

Acts 1987, No. 768, § 3; 1991, No. 412, § 3; 1997, No. 250, § 145; 2003, No. 1217, § 10; 2019, No. 910, § 476; 2021, No. 647, § 16.

**17-38-406, 17-38-407, 17-38-408. [Repealed.]**

**17-38-409. Supervision of apprentice plumbers — Definition.**

---

**(a)** It is the intent of the General Assembly that an apprentice plumber should be trained in a manner that:

**(1)** Develops the skills of the apprentice plumber;

**(2)** Ensures the safety of plumbers and the public; and

**(3)** Guarantees that the work of the apprentice plumber complies with legal requirements and meets industry standards.

**(b)**

**(1)** Except as provided under subdivision (b)(5) of this section, an apprentice plumber shall not engage in plumbing unless he or she is supervised by a master plumber or a journeyman plumber.

**(2)** The work done and the tools and methods utilized by the master plumber, journeyman plumber, and apprentice plumber in the course of supervision shall comply with legal requirements and meet industry standards.

**(3)**

**(A)**

**(i)** The master plumber or journeyman plumber shall observe the work of an apprentice plumber in person at regular and reasonable intervals.

**(ii)** One (1) master plumber or journeyman plumber may supervise up to three (3) apprentice plumbers on a single job.



**(B)** The Career Education and Workforce Development Board shall promulgate rules that determine the regular and reasonable intervals under subdivision (b)(3)(A) of this section in consideration of the:

**(i)** Nature of the work; and

**(ii)** Skill and experience of the apprentice plumber.

**(4)**

**(A)** The supervising master plumber or journeyman plumber shall remain within reasonable proximity of the apprentice plumber while work is being performed.

**(B)** The proximity of the supervising plumber to the apprentice plumber is reasonable if:

**(i)** The job site is a single-family residence or a project that does not require a contractor's license, and the supervising plumber is:

**(a)** Within the line of sight of the apprentice plumber;

**(b)** At the same street address at which the apprentice plumber is working;

**(c)** At the street address adjacent to or adjoining the street address at which the apprentice plumber is working; or

**(d)** Within the same geographical subdivision in which the apprentice is located; or

**(ii)** The job site is not a single-family residence, requires a contractor's license, and:

**(a)** The supervising plumber is within the line of sight of the apprentice plumber; or

**(b)** The supervising plumber is within two hundred fifty (250) yards of the apprentice plumber, and the supervising plumber and the apprentice plumber are within the property boundaries of the job site.

**(5)**

**(A)** An apprentice plumber who is in his or her final year of an apprenticeship may engage in plumbing without the direct supervision of a master plumber or journeyman plumber if he or she is working under the indirect supervision of a master plumber or journeyman plumber.

**(B)**

**(i)** As used in this section, "indirect supervision" means that an apprentice plumber under subdivision (b)(5)(A) of this section is able to contact a master plumber or journeyman plumber for direction or advice, but the master plumber or journeyman plumber does not have to meet the reasonable proximity requirements under subdivisions (b)(4)(B)(i) and (ii) of this section.

**(ii)** An apprentice plumber may contact a master plumber or journeyman plumber under this subdivision (b)(5)(B) in person or by telephone call, text message, electronic mail, or other similar form of communication.

**(C)** An apprentice plumber under subdivision (b)(5)(A) of this section shall possess and be capable of providing to an inspector a valid and unexpired identification card issued by the local apprenticeship committee that indicates the apprentice is in his or her final year of apprenticeship.

**(c)** One (1) master plumber or journeyman plumber may supervise up to three (3) apprentice plumbers on a single plumbing job.

History

Acts 2015, No. 140, § 1; 2017, No. 971, § 2.

---