Proposed Rulemaking

Title 14. Local Government
Chapter VI. Department of Labor and Licensing, Generally
Subchapter A. Generally
Part 40. Review of Plan Review Disputes by Department of Labor and Licensing

Promulgated by: Department of Labor and Licensing

Subpart 1. Generally

14 CAR § 40-101. Purpose.

The purpose of this part is to adopt procedures to address the responsibilities of the Department of Labor and Licensing under Acts 2025, No.591, concerning the referral of a dispute by a local government official or a private professional provider if a local government official and a private professional provider are unable to resolve a dispute on matters concerning state law or state-adopted building codes.

14 CAR § 40-102. Definitions.

As used in this part:

(1) "Local government" means a municipality, county, or other political subdivision of this state;

(2) "Local government official" means an employee of a local government who is lawfully authorized to issue a permit;

(3) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization that can sue or be sued; and

DRAFT

(4) "Private professional provider" means one (1) of the following who is not an employee of or otherwise affiliated with the person engaged in the construction project to be reviewed or inspected:

(A) A professional engineer as defined in § 17-30-101;

(B) A registered architect as defined in § 17-15-102; or

(C) A person licensed, certified, or registered by the applicable agency or body to conduct the type of plan review or inspection covered under this section.

Subpart 2. Review of Referrals to Department of Labor and Licensing.

14 CAR § 40-201. Referral requirements -- Procedures.

(a) If a local government official and a private professional provider are unable to resolve a dispute on matters concerning state law or state-adopted building codes, the matter may be referred to the Department of Labor and Licensing by either party by submitting in writing for each matter in dispute by electronic mail for the department's consideration:

(1) A clear and concise description of the matter in dispute;

(2) The party's position and all supporting reasons and documents that support the party's position;

(3) If desired, one (1) or more sworn statements in support of the party's position; and

(4) Proof of service of the referral along with all supporting documentation upon the department and other party by electronic mail.

(b) Either party may reply to one (1) or more items referred under subsection (a) of this section by delivering within five (5) business days in writing by electronic mail to the department and the other party for each matter the party disputes:

(1) The party's position and all supporting reasons and documents that support the party's position;

(2) If desired, one (1) or more sworn statements in support of the party's position; and

(3) Proof of service of the referral along with all supporting documentation upon the department and other party by electronic mail.

(c) All referrals and replies shall be submitted to the department by electronic mail to the following electronic mail addresses:

(1) ADLL.Boiler@arkansas.gov ;

(2) ADLL.Electrical@arkansas.gov ;

(3) ADLL.Elevator@arkansas.gov ; and

(4) ADLL.HVAC@arkansas.gov .

(d) The failure of any party to comply with this section shall prevent the party's submission from being considered.

14 CAR § 40-202. Determination.

(a) Upon receipt of a referral and all replies, if any, under 14 C.A.R. § 40-201, the Secretary of the Department of Labor and Licensing or his or her designee shall consult the appropriate regulatory bodies for each issue raised and issue his or her opinion on each disputed matter concerning the application of state law and state adopted building codes to each of the parties by electronic mail within five (5) business days.

(b) A certified copy of an opinion issued under subsection (a) of this section may be used in any subsequent court or administrative proceeding as truth of the matter asserted therein.