

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to plumbing and mechanical systems application, licensure, and examination

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 29, “Plumbing and Mechanical Systems Board—Application, Licensure, and Examination,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 105.4 and 272C.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 105 and 272C.

Purpose and Summary

This rulemaking repromulgates Chapter 29 and implements Iowa Code chapters 105 and 272C in accordance with the goals of Executive Order 10 (January 10, 2023). This rulemaking implements the requirements set forth in Iowa Code chapter 105 related to application for license, licensure, and examination requirements. The intended benefit of this chapter is to establish license types that are available, the general requirements and minimum qualifications for the licenses, and a procedure to obtain a license. The rules set forth the minimum qualifications needed to pass examination prior to licensing. The rules create steps on when and how to renew, reinstate or reactivate a license; detail when a license may be denied; and set forth the process for determining eligibility prior to the license application.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7329C**. Public hearings were held on January 30 and 31, 2024, at 9:20 a.m. at 6200 Park Avenue, Des Moines, Iowa. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Plumbing and Mechanical Systems Board on April 16, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 19, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 29 and adopt the following **new** chapter in lieu thereof:

CHAPTER 29
PLUMBING AND MECHANICAL SYSTEMS BOARD—APPLICATION,
LICENSURE, AND EXAMINATION

641—29.1(105) Definitions. The definitions set forth in Iowa Code section 105.2 are incorporated herein by reference. For purposes of these rules, the following definitions also apply:

“Complete criminal record” means the complaint and judgment of conviction for each offense of which the applicant has been convicted, regardless of whether the offense is classified as a felony or a misdemeanor, and regardless of the jurisdiction in which the offense occurred.

“Conviction” means a finding, plea, or verdict of guilt made or returned in a criminal proceeding, even if the adjudication of guilt is deferred, withheld, or not entered. “Conviction” includes Alford pleas and pleas of nolo contendere.

“Corresponding” means the same discipline.

“Directly relates” or *“directly related”* means the same as Iowa Code section 272C.1(8) “a” and “b.”

“Disconnect/reconnect plumbing technician specialty license” means a sublicense under a plumbing license to perform work from the appliance shutoff valve or fixture shutoff valve to the appliance or fixture and any part or component of the appliance or fixture, including the disconnection and reconnection of the existing appliance or fixture to the water or sewer piping and the installation of a shutoff valve no more than three feet from the appliance or fixture.

“Disqualifying conviction” or *“disqualifying offense”* means a conviction directly related to the practice of the profession.

“Eligibility determination” means the process by which a person who has not yet submitted a completed license application may request that the board determine whether one or more of the person's convictions are disqualifying offenses that would prevent the individual from receiving a license or certification.

“Emergency repairs” means the repair of water pipes to prevent imminent damage to property.

“Hearth systems specialty license” means a sublicense under an HVAC-refrigeration or mechanical license to perform work in the installation of gas burning and solid fuel appliances that offer a decorative view of the flames, from the connector pipe to the shutoff valve located within three feet of the appliance. This sublicense is further allowed to perform work in the venting systems, log lighters, gas log sets, fireplace inserts, and freestanding stoves.

“Inactive license” means a license that is available for a plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional who is not actively engaged in running a business or working in the business in the corresponding discipline at that license level. An inactive license must be renewed prior to its expiration date. An inactive license is not valid for practice until the license is reactivated by the board.

“*Lapsed license*” means a license that expired prior to June 30, 2017, and was not renewed within 60 days following its expiration date or a license that expired on or after June 30, 2017, and was not renewed by the following August 31. A lapsed license is no longer valid for practice.

“*Licensee*” means any person licensed to practice pursuant to Iowa Code chapter 105.

“*Reactivated license*” means a license that is changed from inactive status to active status pursuant to rule 641—29.8(105).

“*Reissued license*” means a refrigeration or HVAC license that was changed to an HVAC-refrigeration license pursuant to rule 641—29.8(105). “Reissued license” also means an HVAC or refrigeration license and a hydronic license that was changed to a mechanical license pursuant to rule 641—29.8(105).

“*Service technician HVAC specialty license*” means a sublicense under an HVAC-refrigeration or mechanical license to perform work from the appliance shutoff valve to the appliance and any part and component of the appliance, including the disconnection and reconnection of the existing appliance to the gas piping and the installation of a shutoff valve no more than three feet away from the appliance.

“*Surety bond*” means a performance bond written by an entity licensed to do business in this state that guarantees that a contractor will fully perform the contract and which guarantees against breach of that contract.

641—29.2(105) Available licenses and general requirements. All licenses issued by the board will be for a three-year period, except where a shorter or longer period is required or allowed by statute. Subject to the general requirements set forth herein and the minimum qualifications for licensure set forth in rule 641—29.4(105), the following licenses are available:

29.2(1) *Apprentice license.* An applicant for an apprentice license will submit an application that provides evidence of meeting the qualifications specified in Iowa Code section 105.18. If the applicant currently holds an active specialty license, the specialty license will be placed on inactive status as specified in 641—subrule 23.8(3).

29.2(2) *Journeyman license.* An applicant for a journeyman license will submit an application that provides evidence of meeting the qualifications specified in Iowa Code section 105.18, including an applicant who possesses a master-level license and who seeks a journeyman license in the same discipline.

29.2(3) *Master license.* An applicant for a master license will submit an application that provides evidence of meeting the qualifications specified in Iowa Code section 105.18. Applicants previously licensed as a journeyman will provide evidence of at least two years of journeyman experience in the applicable discipline.

29.2(4) *Contractor license.* An applicant for a contractor license will submit an application that provides evidence of meeting the qualifications specified in Iowa Code section 105.18, and the insurance and surety bond requirements specified in Iowa Code section 105.19.

29.2(5) *Active journeyman license/inactive master license combination.* An applicant for an active journeyman license and an inactive master license in the same discipline will submit an application approved by the department, and pay the fees for both an active journeyman license and an inactive master license in accordance with subrule 29.2(3) and rule 641—29.5(105).

29.2(6) *Inactive license.* An applicant for an inactive license that does not fall within subrule 29.2(5) will submit an application approved by the department and pay the fee for an inactive license in accordance with rule 641—29.5(105).

29.2(7) *Service technician HVAC specialty license.* An applicant for a service technician HVAC specialty license will submit an application approved by the department and pay the fee for a specialty license in accordance with rule 641—29.5(105). It will also provide the board with evidence that:

a. The applicant possesses a valid certification from North American Technician Excellence, Inc. or an equivalent authority approved by the board, or

b. The applicant completed a Service Technician Associate degree or equivalent educational or similar training approved by the board.

29.2(8) Disconnect/reconnect plumbing technician specialty license. An applicant for a disconnect/reconnect plumbing technician specialty license will submit an application approved by the department and pay the fee for a specialty license in accordance with rule 641—29.5(105). It will also provide the board with evidence that:

a. The applicant is receiving or has previously received industry training to perform work covered under this specialty license, or

b. The applicant completed a Service Technician Associate degree or equivalent educational or similar training approved by the board.

29.2(9) Private school or college routine maintenance specialty license. An applicant for a private school or college routine maintenance specialty license will submit an application approved by the department and pay the fee for a specialty license in accordance with rule 641—29.5(105) and:

a. Provide the board with evidence that the applicant is currently employed by a private school or college.

b. Provide the board with evidence that the applicant is performing routine maintenance within the scope of employment with the private school or college.

29.2(10) Hearth systems specialty license. An applicant for a hearth systems specialty license will submit an application approved by the department and pay the fee for a specialty license in accordance with rule 641—29.5(105) and provide the board with evidence that the applicant possesses a valid certification issued by the National Fireplace Institute or equivalent authority approved by the board.

641—29.3(105) Medical gas piping certification. The following certification is required for a person who performs work as a medical gas system installer. An applicant for a medical gas certificate will submit an application approved by the department and pay the fee for a medical gas piping certification in accordance with rule 641—29.5(105) and possess valid certification from the National Inspection Testing Certification (NITC) Corporation, or an equivalent authority approved by the board. Documentation must be submitted on a form provided by the board.

641—29.4(105) Minimum qualifications for licensure. An applicant for any type of license must be at least 18 years old. All apprentice applicants must have completed a high school education or attained GED equivalent.

641—29.5(105) General requirements for application for licensure. The following criteria apply to application for licensure:

29.5(1) Application. An applicant will complete an application online or on a paper application approved by the board.

29.5(2) Fees. An application must be accompanied by the appropriate fees. All fees are nonrefundable. Fees for online applications are by credit card only. A check or money order may accompany a paper application.

29.5(3) Applicant responsibilities. An applicant for an initial license or license renewal bears full responsibility for each of the following:

a. Paying all fees charged by regulatory authorities, state or national testing or credentialing organizations, and educational institutions providing the information necessary to complete a license, certification, or renewal application;

b. Providing accurate, up-to-date, and truthful information on the application including, but not limited to, prior professional experience, education, training, criminal history, and disciplinary history; and

c. Submitting complete application materials. An application for a license or certification or renewal of a license or certification will be considered active for 90 days from the date the application is received. For purposes of establishing timely filing, the postmark on a paper submittal or the date of the electronic time stamp for online renewals will be used. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license or certification, the application will be considered incomplete and will be destroyed.

29.5(4) Verifiable documentation. No application will be considered by the board without the appropriate verifiable documentation, including:

- a. A passing score for a discipline-appropriate examination provided by the testing vendor under contract with the board, when testing is required for a license.
- b. Verification that the applicant has met the minimum requirements as defined in rule 641—29.4(105) and the established employment experience criteria for each type of license.
- c. Documentation of the applicant's complete criminal record, including the applicant's personal statement regarding whether each offense directly relates to the practice of the profession. No application will be considered complete unless and until the applicant responds to board requests for additional information regarding the applicant's complete criminal record.

641—29.6(105) Examination.

29.6(1) General. An applicant for licensure as a plumbing or mechanical system professional must successfully pass the licensing examination for the discipline. The examination will be specific to each license type, approved by the board, and administered by the board-approved vendor.

29.6(2) Examination.

- a. The examination will be written and proctored by a testing agency selected by the board and conducted either in person or online.
- b. The examination will be offered periodically during the year. The time and location will rotate between multiple sites in the state of Iowa, as determined by the department, with approval of the board.
- c. The examination will not be subject to review by applicants. Upon request from an applicant, the testing vendor will provide information about the sections that the applicant failed, but shall not provide an applicant access to actual examination questions or answers. Any fees associated with the review process will be assessed by and payable to the testing vendor. The applicant is responsible for paying all associated examination fees.
- d. A score of 75 percent or better is considered passing.

29.6(3) Examination application.

- a. An applicant will complete and submit a board-approved examination application either online or on a paper application a minimum of 15 business days prior to taking an examination.
- b. An application must be accompanied by the appropriate fees. All fees are nonrefundable. Fees for online applications are by credit card only. A check or money order may accompany a paper application.
- c. No application will be considered by the board without the appropriate verifiable documentation.
- d. The applicant will be notified and issued an examination entrance letter upon approval of the examination application.
- e. If the applicant is notified that the application is incomplete, the applicant must contact the board office within 90 days. Incomplete applications will be considered invalid and after 90 days will be destroyed.
- f. Examination fees are payable directly to the board-approved testing vendor. All transactions are the responsibility of the applicant and testing vendor. The board is not responsible for refunds from the testing vendor.
- g. An applicant shall present current photo identification in order to sit for the examination.
- h. An applicant for licensure by examination who does not pass the examination within one year from the original application date has to submit a new application.
- i. A master examination applicant will not receive permission to sit for a master examination unless the applicant establishes that the applicant:
 - (1) Has previously been licensed as a master in the applicable discipline; or
 - (2) Has previously been licensed as a journeyman in the applicable discipline and has at least two years of journeyman experience in the applicable discipline.

j. A journeyperson examination applicant may apply to sit for the examination up to 12 months prior to completion of the 48 months of required apprentice credit, which include the granting of advanced standing or credit for previously acquired experience, training, or skills.

29.6(4) Expiration of passing examination score. An applicant who successfully passes an examination must apply for licensure in the applicable discipline at the applicable discipline level within two years of notification that the applicant successfully passed the examination. A passing examination score will expire if the applicant fails to apply for licensure within the two-year period as set forth herein, and the applicant will be required to successfully retake said examination to become licensed.

641—29.7(105) License renewal.

29.7(1) Renewal period. The period of licensure to operate as a contractor or work as a master, journeyperson or apprentice in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board is a period of three years. All licenses issued will expire on June 30 every three years, beginning with June 30, 2026. Fees for new licenses issued after the July 1 beginning of each three-year renewal cycle will be prorated using a one-sixth deduction for each six-month period of the renewal cycle.

29.7(2) Renewal notification. The licensee is responsible for renewing the license prior to its expiration.

29.7(3) Specific renewal requirements.

a. *Active and inactive apprentice, specialty, journeyperson, and master licenses.* An apprentice, specialty, journeyperson, or master licensee seeking renewal shall:

- (1) Submit an application for renewal online or on the forms provided by the board office.
- (2) Meet the continuing education requirements as set forth in rule 641—30.2(105), unless no continuing education is necessary as specified in 641—subrule 23.8(3), 30.2(2), or 30.6(1).
- (3) Include the appropriate fee as specified in 641—Chapter 28. A penalty will be assessed by the board for late renewal, as specified in 641—Chapter 28.

b. *Medical gas piping certification holders.* A medical gas piping certification holder seeking renewal shall:

- (1) Submit an application for renewal either electronically or on the forms provided by the board office.
- (2) Provide evidence that the person has maintained valid certification issued from the National Inspection Testing Certification (NITC) Corporation or an equivalent authority approved by the board.
- (3) Include the appropriate fee as specified in 641—Chapter 28.

c. *Contractor licenses.* Renewal of the contractor license constitutes registration as a contractor under Iowa Code chapter 91C. A contractor licensee seeking renewal shall:

- (1) Submit an application for renewal on the forms provided by the board office. Licensees may renew their licenses online or via paper application.
- (2) Include evidence of professional liability insurance and a surety bond mandated by subrule 29.2(4).
- (3) As specified in 875—Chapter 150, include proof of workers' compensation insurance coverage, proof of unemployment insurance compliance and, for out-of-state contractors, a bond as described in Iowa Code chapter 91C.
- (4) Include the appropriate license fee as specified in 641—Chapter 28. A penalty will be assessed by the board for late renewal, as specified in 641—Chapter 28.
- (5) Include the fee for a three-year contractor registration as specified in 875—Chapter 150.

29.7(4) Complete and timely filed application. Renewal applications are due 30 days prior to expiration per Iowa Code section 105.20(2). No renewal application is considered timely and sufficient until received by the board office and accompanied by all material necessary for renewal, including applicable renewal and late fees. Incomplete applications will not be accepted. For purposes of establishing timely filing, the postmark on a paper submittal or the date of the electronic time stamp for online renewals will be used.

29.7(5) Late renewal. A licensee has a one-month grace period after the expiration date of the license to renew without payment of a late fee.

a. A licensee who seeks to renew more than one month but less than two months after the license expiration date may renew upon payment of the late fee in the amount specified in 641—Chapter 28 in addition to the renewal fee.

b. A license remains valid for practice for up to two months past the expiration date of the license. After two months, the license lapses and becomes invalid for practice until the license is reinstated.

29.7(6) Reinstatement. A person seeking reinstatement of a lapsed license must submit an application for reinstatement electronically or on the forms provided by the board office and include all mandated documentation and fees.

a. A licensee who allows a license to lapse for more than two months but not more than 365 days may reinstate and renew the license upon payment of the late penalty fee in the amount specified in 641—Chapter 28 in addition to the renewal fee. A specialty, journeyperson or master licensee must also meet the continuing education requirements as set forth in rule 641—30.2(105), unless no continuing education is mandated as specified in 641—subrule 23.8(3), 30.2(2), or 30.6(1).

b. A person holding a specialty, journeyperson or master license who allows the license to lapse for more than one year may reinstate and renew the license by providing evidence of one of the following:

(1) For a journeyperson or master licensee, retaking and successfully passing the applicable licensing examination; or

(2) Retaking and successfully completing all continuing education requirements as set forth in rule 641—30.2(105) for each renewal period in which the license was not timely renewed.

c. A contractor licensee seeking reinstatement of a license that has been lapsed for more than one year may reinstate and renew the license by submitting evidence of meeting the requirements specified in subrule 29.7(3) and payment of any mandated fees.

d. A licensee who reinstates and renews a lapsed license is not entitled to a prorated renewal fee.

641—29.8(105) Waiver from examination for military service. The written examination requirements and prior experience requirements set forth in Iowa Code sections 105.18(2) “b”(1) and 105.18(2) “c” are waived for a journeyperson license or master license if the applicant meets the requirements set forth in Iowa Code section 105.18(4).

641—29.9(105) Reactivation of an inactive license.

29.9(1) An inactive license is not valid for practice but must be renewed in accordance with rule 641—29.7(105). If an inactive license has not been timely renewed and becomes lapsed, the requirements for reinstatement of the license will have to be met. A person with an inactive license that is not lapsed who is seeking to reactivate the license shall:

a. Submit a written request to the board office for active license status; and

b. Pay the fee for an active license in the amount specified in 641—Chapter 28.

29.9(2) A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal period following reactivation.

641—29.10(105) Review of applications.

29.10(1) Upon receipt of a completed application, the board executive officer or designee has discretion to:

a. Authorize the issuance of the license, certification, or examination application.

b. Refer the application to a committee of the board for review and consideration when the board executive officer determines that matters raised in or revealed by the application are relevant in determining the applicant’s qualifications for a license, certification, or examination. Matters that may justify referral to a committee of the board include, but are not limited to:

(1) Prior criminal history, which is reviewed and considered in accordance with Iowa Code chapter 272C and rule 641—29.13(105).

- (2) Chemical dependence.
- (3) Competency.
- (4) Physical or psychological illness or disability.
- (5) Judgments entered on, or settlements of, claims, lawsuits, or other legal actions related to the profession.
- (6) Professional disciplinary history.
- (7) Education or experience.

29.10(2) Following review and consideration of an application referred by the board executive officer, the committee may at its discretion:

- a. Authorize the issuance of the license, certification, or examination application.
- b. Recommend to the board denial of the license, certification, or examination application.
- c. Recommend to the board issuance of the license or certification under certain terms and conditions or with certain limitations.
- d. Refer the license, certification, or examination application to the board for review and consideration without recommendation.

29.10(3) Following review and consideration of a license, certification, or examination application referred by the committee, the board will:

- a. Authorize the issuance of the license, certification, or examination application;
- b. Deny the issuance of the license, certification, or examination application; or
- c. Authorize the issuance of the license or certification under certain terms and conditions or with certain limitations.

29.10(4) The committee or board may require an applicant to appear for an interview before the committee or the full board as part of the application process.

641—29.11(105) Grounds for denial of an application. The board may deny an application for license, certification, or examination for any of the following reasons:

- 1. Failure to meet the requirements for license, certification, or examination as specified in these rules.
- 2. Failure to provide accurate and truthful information, or the omission of material information.
- 3. Pursuant to Iowa Code section 105.22, upon any of the grounds for which licensure may be revoked or suspended.

641—29.12(105) Use of criminal convictions in eligibility determinations and initial licensing decisions.

29.12(1) License application. Unless an applicant for licensure petitions the board for an eligibility determination, the applicant’s convictions will be reviewed when the board receives a completed license application.

- a. *Full disclosure.* An applicant must disclose all convictions on a license application. Failure to disclose all convictions is grounds for license denial or disciplinary action following license issuance.
- b. *Documentation and personal statement.* An applicant with one or more convictions must submit the complete criminal record for each conviction and a personal statement regarding whether each conviction directly relates to the practice of the profession in order for the license application to be considered complete.
- c. *Rehabilitation.* As part of the license application, an applicant will submit all evidence of rehabilitation that the applicant wishes to be considered by the board. The board may deny a license if the applicant has a disqualifying offense, unless the applicant demonstrates by clear and convincing evidence that the applicant is rehabilitated pursuant to Iowa Code section 272C.15. An applicant with one or more disqualifying offenses who has been found rehabilitated must still satisfy all other requirements for licensure.

d. *Nonrefundable fees.* Any application fees will not be refunded if the license is denied.

29.12(2) Eligibility determination. An individual who has not yet submitted a completed license application may petition the board for an eligibility determination. An individual with a conviction does

not have to petition the board for an eligibility determination before applying for a license. To petition the board for an eligibility determination, a petitioner must submit all of the following:

- a. A completed eligibility determination form, which is available on the board's website;
- b. The complete criminal record for each of the petitioner's convictions;
- c. A personal statement regarding whether each conviction directly relates to the practice of the profession and why the board should find the petitioner is rehabilitated;
- d. All evidence of rehabilitation that the petitioner wants the board to consider; and
- e. Payment of a nonrefundable fee in the amount of \$25.

29.12(3) Appeal. A petitioner found ineligible or an applicant denied a license because of a disqualifying offense may appeal the decision in the manner and time frame set forth in the board's written decision. A timely appeal will initiate a nondisciplinary contested case proceeding. The board's rules governing nondisciplinary contested case proceedings apply unless otherwise specified in this rule. If the petitioner fails to timely appeal, the board's written decision will become a final order.

a. *Presiding officer.* The presiding officer will be the board. However, any party to an appeal of a license denial or ineligibility determination may file a written request, in accordance with rule 641—33.10(17A), that the presiding officer be an administrative law judge. Additionally, the board may, on its own motion, request that an administrative law judge be assigned to act as presiding officer. When an administrative law judge serves as the presiding officer, the decision rendered will be a proposed decision.

b. *Burden.* The office of the attorney general will represent the board's initial ineligibility determination or license denial and has the burden of proof to establish that the petitioner's or applicant's convictions include at least one disqualifying offense. Upon satisfaction of this burden by a preponderance of the evidence by the office of the attorney general, the burden of proof shifts to the petitioner or applicant to establish rehabilitation by clear and convincing evidence.

c. *Judicial review.* A petitioner or applicant must appeal an ineligibility determination or a license denial in order to exhaust administrative remedies. A petitioner or applicant may only seek judicial review of an ineligibility determination or license denial after the issuance of a final order following a contested case proceeding. Judicial review of the final order following a contested case proceeding is in accordance with Iowa Code chapter 17A.

29.12(4) Future petitions or applications. If a final order determines a petitioner is ineligible, the petitioner cannot submit a subsequent petition for eligibility determination or a license application prior to the date specified in the final order. If a final order denies a license application, the applicant cannot submit a subsequent license application or a petition for eligibility determination prior to the date specified in the final order.

These rules are intended to implement Iowa Code chapters 105 and 272C.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/15/24.