

CHAPTER 105

PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS

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105.1 Title.

This chapter may be known and cited as the “*Iowa Plumber, Mechanical Professional, and Contractor Licensing Act*”.

2007 Acts, ch 198, §1, 35; 2008 Acts, ch 1089, §10, 11; 2009 Acts, ch 151, §1

105.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Apprentice*” means any person, other than a helper, journeyperson, or master, who, as a principal occupation, is engaged in working as an employee of a plumbing, HVAC, refrigeration, or hydronic systems contractor under the supervision of either a master or a journeyperson and is progressing toward completion of an apprenticeship training program registered by the office of apprenticeship of the United States department of labor while learning and assisting in the design, installation, and repair of plumbing, HVAC, refrigeration, or hydronic systems, as applicable.

2. “*Board*” means the plumbing and mechanical systems board as established pursuant to section 105.3.

3. “*Contractor*” means a person or entity that provides plumbing, HVAC, refrigeration, or hydronic systems services on a contractual basis and who is paid a predetermined amount under that contract for rendering those services.

4. “*Department*” means the Iowa department of public health.

5. “*Governmental subdivision*” means any city, county, or combination thereof.

6. “*Helper*” means a person engaged in general manual labor activities who provides assistance to an apprentice, journeyperson, or master while under the supervision of a journeyperson or master.

7. “*HVAC*” means heating, ventilation, air conditioning, ducted systems, or any type of refrigeration used for food processing or preservation. “*HVAC*” includes all natural, propane, liquid propane, or other gas lines associated with any component of an HVAC system.

8. “*Hydronic*” means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any heating or cooling system or appliance using a liquid, water, or steam as the heating or cooling media. “*Hydronic*” includes all low-pressure and high-pressure systems

and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

9. “*Journey person*” means any person, other than a master, who, as a principal occupation, is engaged as an employee of, or otherwise working under the direction of, a master in the design, installation, and repair of plumbing, HVAC, refrigeration, or hydronic systems, as applicable.

10. “*Master*” means any person who works in the planning or superintending of the design, installation, or repair of plumbing, HVAC, refrigeration, or hydronic systems and is otherwise lawfully qualified to conduct the business of plumbing, HVAC, refrigeration, or hydronic systems, and who is familiar with the laws and rules governing the same.

11. “*Mechanical professional*” means a person engaged in the HVAC, refrigeration, or hydronic industry.

12. “*Mechanical systems*” means HVAC, refrigeration, and hydronic systems.

13. “*Medical gas piping*” means a permanent fixed piping system in a health care facility which is used to convey oxygen, nitrous oxide, nitrogen, carbon dioxide, helium, medical air, and mixtures of these gases from its source to the point of use and includes the fixed piping associated with a medical, surgical, or gas scavenging vacuum system, as well as a bedside suction system.

14. “*Medical gas system installer*” means any person who installs or repairs medical gas piping, components, and vacuum systems, including brazers, who has been issued a valid certification from the national inspection testing certification (NITC) corporation, or an equivalent authority approved by the board.

15. “*Plumbing*” means all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, and all building drains and building sewers, storm sewers, and storm drains, including their respective joints and connections, devices, receptors, and appurtenances within the property lines of the premises, and including the connection to sanitary sewer, storm sewer, and domestic water mains. “*Plumbing*” includes potable water piping, potable water treating or using equipment, medical gas piping systems, fuel gas piping, water heaters and vents, including all natural, propane, liquid propane, or other gas lines associated with any component of a plumbing system.

16. “*Refrigeration*” means any system of refrigeration regardless of the level of power, if such refrigeration is intended to be used for the purpose of food processing and product preservation and is also intended to be used for comfort systems. “*Refrigeration*” includes all natural, propane, liquid propane, or other gas lines associated with any component of refrigeration.

17. “*Routine maintenance*” means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, HVAC, refrigeration, or hydronic systems in which no changes in original design are made. Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. Routine maintenance shall include emergency repairs, and the board shall define the term emergency repairs to include the repair of water pipes to prevent imminent damage to property. “*Routine maintenance*” does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than one hundred gallons in size.

2007 Acts, ch 198, §2; 2008 Acts, ch 1032, §102, 202; 2008 Acts, ch 1089, §10, 11; 2009 Acts, ch 151, §2, 3; 2011 Acts, ch 100, §1, 2, 15

[T] Subsections 7, 8, and 16 amended

105.3 Plumbing and mechanical systems board.

1. A plumbing and mechanical systems board is created within the Iowa department of public health.

2. a. The board shall be comprised of eleven members, appointed by the governor, as follows:

- (1) The director of public health or the director’s designee.
- (2) The commissioner of public safety or the commissioner’s designee.
- (3) One plumbing inspector.

- (4) One mechanical inspector.
 - (5) A contractor who primarily works in rural areas.
 - (6) An individual licensed as a journey person plumber pursuant to the provisions of this chapter or, for the initial membership of the board, an individual eligible for such licensure.
 - (7) An individual working as a plumbing contractor and licensed as a master plumber pursuant to the provisions of this chapter or, for the initial membership of the board, an individual eligible for such licensure.
 - (8) Two individuals licensed as journey person mechanical professionals pursuant to the provisions of this chapter or, for the initial membership of the board, two individuals eligible for such licensure.
 - (9) Two individuals licensed as master mechanical professionals pursuant to the provisions of this chapter or, for the initial membership of the board, two individuals eligible for such licensure. One of these individuals shall be a mechanical systems contractor.
- b. The board members enumerated in paragraph a, subparagraphs (3) through (9), are subject to confirmation by the senate.
 - c. The terms of the two plumber representatives on the board shall not expire on the same date, and one of the two plumber representatives on the board shall at all times while serving on the board be affiliated with a labor union while the other shall at all times while serving on the board not be affiliated with a labor union.
 - d. The terms of the mechanical professional representatives on the board shall not expire on the same date, and at least one of the mechanical professional representatives on the board shall at all times while serving on the board be affiliated with a labor union while at least one of the other mechanical professional representatives shall at all times while serving on the board not be affiliated with a labor union.
3. Members shall serve three-year terms except for the terms of the initial members, which shall be staggered so that three members' terms expire each calendar year. A member of the board shall serve no more than three full terms. A vacancy in the membership of the board shall be filled by appointment by the governor subject to senate confirmation.
4. If a person who has been appointed to serve on the board has ever been disciplined by the board, all board complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment.
5. The board shall organize annually and shall select a chairperson and a secretary from its membership. A quorum shall consist of a majority of the members of the board.
6. Members of the board shall receive actual expenses for their duties as a member of the board. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.
7. The board may maintain a membership in any national organization of state boards for the professions of plumbing, HVAC, refrigeration, or hydronic professionals, with all membership fees to be paid from funds appropriated to the board.

2007 Acts, ch 198, §3; 2008 Acts, ch 1089, §10, 11; 2009 Acts, ch 151, §4, 5

[P] Confirmation, see §2.32

[SP] Recommendation to general assembly regarding implementation of statewide inspection program due by January 1, 2011; 2009 Acts, ch 151, §33

105.4 Plumbing installation code — rules.

- 1. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state.
- 2. The board shall adopt all rules necessary to carry out the licensing and other provisions of this chapter.

2007 Acts, ch 198, §4; 2008 Acts, ch 1089, §10, 11; 2009 Acts, ch 151, §6

105.5 Examinations.

- 1. Any person desiring to take an examination for a license issued pursuant to this chapter shall make application to the board in accordance with the rules of the board. The application

form shall be no longer than two pages in length, plus one security page. The board may require that a recent photograph of the applicant be attached to the application.

2. Applicants who fail to pass an examination shall be allowed to retake the examination at a future scheduled time.

3. The board shall adopt rules relating to all of the following:

a. The qualifications required for applicants seeking to take examinations, which qualifications shall include a requirement that an applicant who is a contractor shall be required to provide the contractor's state contractor registration number.

b. The denial of applicants seeking to take examinations.

2007 Acts, ch 198, §5; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §7; 2011 Acts, ch 100, §3, 15

[P] Contractor registration, see chapter 91C

[T] Subsection 1 amended

105.6 through 105.8 Repealed by 2009 Acts, ch 151, § 32.

105.9 Fees.

1. The board shall set the fees for the examination of all applicants, by rule, which fees shall be based upon the cost of administering the examinations.

2. The board shall set the license fees and renewal fees for all licenses issued pursuant to this chapter, by rule.

3. All fees collected under this chapter shall be retained by the board. The moneys retained by the board shall be used for any of the board's duties under this chapter, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by the board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by the board pursuant to this section are not subject to reversion to the general fund of the state.

4. Nothing in this chapter shall be interpreted to prohibit the state or any of its governmental subdivisions from charging construction permit fees or inspection fees related to work performed by plumbers and mechanical professionals.

5. a. The board shall submit a report to the general assembly within sixty days following the end of each fiscal year. The reports shall include a balance sheet projection extending no less than three years. If the revenue projection exceeds expense projections by more than ten percent, the board shall adjust their fee schedules accordingly, so that projected revenues are no more than ten percent higher than projected expenses. The revised fees shall be implemented no later than January 1, 2013, and January 1 of each subsequent year.

b. A license fee for a combined license shall be the sum total of each of the separate license fees reduced by thirty percent.

6. For calendar years 2011 and 2012 the fee for an initial apprentice and an initial journeyman license is fifty dollars.

7. For calendar years 2011 and 2012 the fee for an initial master license is one hundred twenty-five dollars.

8. The renewal fee shall be waived for all licenses renewed from January 1, 2011, through December 31, 2012. For any initial license issued in 2011 prior to April 28, 2011, the licensee shall be refunded the difference between the fee paid for such initial license and the fees specified in subsections 6 and 7. For any licenses renewed in 2011 prior to April 28, 2011, the licensee shall be refunded the entire license renewal fee paid.

9. The board may charge a fee for an application required by this chapter and submitted on paper if an internet application process is available.

10. The board shall waive all renewal fees for all licenses that have an expiration date from January 1, 2011, through December 31, 2012.

2007 Acts, ch 198, §9; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §8; 2011 Acts, ch 100, §4 – 6, 15

[T] Subsection 2 amended

[T] Subsection 5 stricken and rewritten

[T] NEW subsections 6 through 10

105.10 License or certification required.

1. Except as provided in section 105.11, a person shall not operate as a contractor or install or repair plumbing, HVAC, refrigeration, or hydronic systems without obtaining a license issued by the board, or install or repair medical gas piping systems without obtaining a valid certification approved by the board.

2. Except as provided in section 105.11, a person shall not engage in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems unless at all times a licensed master, who shall be responsible for the proper designing, installing, and repairing of the HVAC, refrigeration, or hydronic system, is employed by the person and is actively in charge of the plumbing, HVAC, refrigeration, or hydronic work of the person. An individual who performs such work pursuant to a business operated as a sole proprietorship shall be a licensed master in the applicable discipline.

3. The board may allow a two-year delay in implementing the licensure requirements for contractors who employ fewer than ten mechanical professionals.

4. The board shall adopt rules to allow a grace period for a contractor to operate a business described in subsection 2 without employing a licensed master.

5. The board shall by rule provide for the issuance of a license for installers of geothermal heat pump systems that shall require certification pursuant to industry accredited installer certification standards recognized by the United States department of energy.

2007 Acts, ch 198, §10; 2008 Acts, ch 1032, §103, 202; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §9, 10

105.11 Chapter inapplicability.

The provisions of this chapter shall not be construed to do any of the following:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, licensed as a manufactured home retailer or certified as a manufactured home installer pursuant to chapter 103A, registered as an architect pursuant to chapter 544A, or licensed as a landscape architect pursuant to chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, or hydronic work and who is exclusively engaged in the practice of the person's profession.

2. Require employees of municipal utilities, electric membership or cooperative associations, public utility corporations, rural water associations or districts, railroads, or commercial retail or industrial companies performing manufacturing, installation, service, or repair work for such employer to hold licenses while acting within the scope of their employment. This licensing exemption does not apply to employees of a rate-regulated gas or electric public utility which provides plumbing or mechanical services as part of a systematic marketing effort, as defined pursuant to section 476.80.

3. Prohibit an owner of property from performing work on the owner's principal residence, if such residence is an existing dwelling rather than new construction and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.

4. Require that any person be a member of a labor union in order to be licensed.

5. Apply to a person who is qualified pursuant to administrative rules relating to the storage and handling of liquefied petroleum gases while engaged in installing, servicing, testing, replacing, or maintaining propane gas utilization equipment, or gas piping systems of which the equipment is a part, and related or connected accessory systems or equipment necessary to the operation of the equipment.

6. Apply to a person who meets the requirements for a certified well contractor pursuant to section 455B.190A while engaged in installing, servicing, testing, replacing, or maintaining a water system, water well, well pump, or well equipment, or piping systems of which the equipment is a part, and related or connected accessory systems or equipment necessary to the operation of the water well.

7. Require a helper engaged in general manual labor activities while providing assistance to an apprentice, journeyperson, or master to obtain a plumbing, HVAC, refrigeration, or

hydronic license. Experience as a helper shall not be considered as practical experience for a journey person license.

8. Apply to a person who is performing work subject to chapter 100C.

9. Apply to an employee of any unit of state or local government, including but not limited to cities, counties, or school corporations, performing work on a mechanical system or plumbing system, which serves a government-owned or government-leased facility while acting within the scope of the government employee's employment.

10. Apply to the employees of manufacturers, manufacturer representatives, or wholesale suppliers who provide consultation or develop plans concerning plumbing, HVAC, refrigeration, or hydronic work, or who assist a person licensed under this chapter in the installation of mechanical or plumbing systems.

11. Prohibit an owner or operator of a health care facility licensed pursuant to chapter 135C, assisted living center licensed pursuant to chapter 231C, hospital licensed pursuant to chapter 135B, adult day care center licensed pursuant to chapter 231D, or a retirement facility certified pursuant to chapter 523D from performing work on the facility or requiring such owner or operator to be licensed under this chapter; except for projects that exceed the dollar amount specified as the competitive bid threshold in section 26.3.

12. Apply to a person who performs the laying of pipe that originates or connects to pipe in the public right-of-way or property that is intended to become public right-of-way, even if such pipe extends under the property and up to the building. However, the person shall not make any interior pipe connections within a building under this exemption. This exemption does not restrict local jurisdictions from requiring licensure under this chapter if required by local ordinance, resolution, or by bidding specification.

13. Prohibit a rental property owner or employee of such an owner from performing routine maintenance on the rental property.

14. Apply to a person who is performing work on a volunteer, non-paid basis or assisting a property owner performing non-paid work on the owner's principal residence.

2007 Acts, ch 198, §11; 2008 Acts, ch 1032, §104, 202; 2008 Acts, ch 1089, §4, 5, 10, 12; 2009 Acts, ch 151, §11 – 13; 2011 Acts, ch 100, §7, 15

[T] NEW subsection 14

105.12 Form of license.

1. A contracting, plumbing, HVAC, refrigeration, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of public health, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

2. In addition to the certificate, the board shall provide each licensee with a wallet-sized licensing identification card.

2007 Acts, ch 198, §12; 2008 Acts, ch 1089, §6, 10, 12; 2009 Acts, ch 151, §14

105.13 License presumptive evidence.

A license issued under this chapter shall be presumptive evidence of the right of the holder to practice in this state the profession specified.

2007 Acts, ch 198, §13; 2008 Acts, ch 1089, §10, 12

105.14 Display of contractor license.

A person holding a contractor license under this chapter shall keep the current license certificate publicly displayed in the primary place in which the person practices.

2007 Acts, ch 198, §14; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §15

105.15 Registry of licenses.

The name, location, license number, and date of issuance of the license of each person to whom a license has been issued shall be entered in a registry kept in the office of the department to be known as the plumbing, HVAC, refrigeration, or hydronic registry. The registry may be electronic and shall be open to public inspection; however, the licensee's

home address, home telephone number, and other personal information as determined by rule shall be confidential.

2007 Acts, ch 198, §15; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §16

105.16 Change of residence.

If a person licensed to practice as a contractor or a plumbing, HVAC, refrigeration, or hydronic professional under this chapter changes the person's residence or place of practice, the person shall so notify the board.

2007 Acts, ch 198, §16; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §17

105.17 Preemption of local licensing requirements.

1. The provisions of this chapter regarding the licensing of plumbing, HVAC, refrigeration, and hydronic professionals and contractors shall supersede and preempt all plumbing, HVAC, refrigeration, hydronic, and contracting licensing provisions of all governmental subdivisions.

a. A governmental subdivision that issues licenses on July 1, 2008, shall continue to issue licenses until June 30, 2009. On July 1, 2009, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 105.21, and of no further force and effect.

b. On and after July 1, 2008, a governmental subdivision shall not prohibit a contractor or a plumbing, HVAC, refrigeration, or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

2. Nothing in this chapter shall prohibit a governmental subdivision from assessing and collecting permit fees or inspection fees related to work performed by plumbers and mechanical professionals.

2007 Acts, ch 198, §17; 2008 Acts, ch 1089, §7, 10, 12; 2009 Acts, ch 151, §18

105.18 Qualifications and types of licenses issued.

1. *General qualifications.* The board shall adopt, by rule, general qualifications for licensure. The board may consider the past felony record of an applicant only if the felony conviction relates to the practice of the profession for which the applicant requests to be licensed. References may be required as part of the licensing process.

2. *Plumbing, HVAC, refrigeration, and hydronic licenses and contractor licenses.* The board shall issue separate licenses for plumbing, HVAC, refrigeration, and hydronic professionals and for contractors as follows:

a. *Apprentice license.* In order to be licensed by the board as an apprentice, a person shall do all of the following:

(1) File an application, which application shall establish that the person meets the minimum requirements adopted by the board.

(2) Certify that the person will work under the supervision of a licensed journeyman or master in the applicable discipline.

(3) Be enrolled in an applicable apprentice program which is registered with the United States department of labor office of apprenticeship.

b. *Journeyman license.*

(1) In order to be licensed by the board as a journeyman in the applicable discipline, a person shall do all of the following:

(a) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

(b) Pass the state journeyman licensing examination in the applicable discipline.

(c) Provide the board with evidence of having completed at least four years of practical experience as an apprentice. Commencing January 1, 2010, the four years of practical experience required by this subparagraph division must be an apprenticeship training program registered by the United States department of labor office of apprenticeship.

(2) A person may simultaneously hold an active journeyperson license and an inactive master license.

c. *Master license.* In order to be licensed by the board as a master, a person shall do all of the following:

(1) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

(2) Pass the state master licensing examination for the applicable discipline.

(3) Provide evidence to the board that the person has previously been a licensed journeyperson or master in the applicable discipline.

d. *Contractor license.* In order to be licensed by the board as a contractor, a person shall do all of the following:

(1) File an application and pay application fees as established by the board, which application shall provide the person's state contractor registration number and establish that the person meets the minimum requirements adopted by the board.

(2) Maintain a permanent place of business.

(3) Hold a master license or employ at least one person holding a master license under this chapter.

3. *Combined licenses, restricted licenses.*

a. The board may issue single or combined licenses to persons who qualify as a contractor, master, journeyperson, or apprentice under any of the disciplines.

b. *Special, restricted license.* The board may by rule provide for the issuance of special plumbing and mechanical professional licenses authorizing the licensee to engage in a limited class or classes of plumbing or mechanical professional work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class for which the person is licensed. The board shall designate each special, restricted license to be a sublicense of either a plumbing, HVAC, refrigeration, or hydronic license. An individual holding a master or journeyperson, plumbing, HVAC, refrigeration, or hydronic license shall not be required to obtain any special, restricted license which is a sublicense of the license that the individual holds. Special plumbing and mechanical professional licenses shall be issued to employees of a rate-regulated gas or electric public utility who conduct the repair of appliances. "*Repair of appliances*" means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry-accredited certification standards.

c. The board shall establish a special, restricted license fee at a reduced rate, consistent with any other special, restricted license fees.

d. An individual that holds either a master or journeyperson HVAC license or a master or journeyperson refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to perform disconnect and reconnect of existing air conditioning and refrigeration systems.

4. *Waiver.* Notwithstanding section 17A.9A, the board shall through December 31, 2009, waive the written examination requirements and prior experience requirements in subsection 2, paragraph "b", subparagraph (1), and subsection 2, paragraph "c", for a journeyperson or master license if the applicant meets either of the following requirements:

a. The applicant meets both of the following requirements:

(1) The applicant has previously passed a written examination which the board deems to be substantially similar to the licensing examination otherwise required by the board to obtain the applicable license.

(2) The applicant has completed at least eight classroom hours of continuing education in courses or seminars approved by the board within the two-year period immediately preceding the date of the applicant's license application.

b. The applicant can demonstrate to the satisfaction of the board that the applicant has five or more years of experience prior to July 1, 2008, in the plumbing, HVAC, refrigeration, or hydronic business, as applicable, which experience is of a nature that the board deems to be sufficient to demonstrate continuous professional competency consistent with that expected

of an individual who passes the applicable licensing examination which the applicant would otherwise be required to pass.

5. *Waiver for military service.* Notwithstanding section 17A.9A, the board shall waive the written examination requirements and prior experience requirements in subsection 2, paragraph “b”, subparagraph (1), and subsection 2, paragraph “c”, for a journeyperson or master license if the applicant meets all of the following requirements:

- a. Is an active or retired member of the United States military.
- b. Provides documentation that the applicant was deployed on active duty during any portion of the time period of July 1, 2008, through December 31, 2009.
- c. Provides documentation that shows the applicant has previously passed an examination which the board deems substantially similar to the examination for a journeyperson license or a master license, as applicable, issued by the board, or provides documentation that shows the applicant has previously been licensed by a state or local governmental jurisdiction in the same trade and trade level.

2007 Acts, ch 198, §18; 2008 Acts, ch 1032, §105, 202; 2008 Acts, ch 1089, §8, 10, 12; 2009 Acts, ch 151, §19; 2011 Acts, ch 100, §8 – 10, 15

[T] Subsection 3, NEW paragraph d

[T] Subsection 4, unnumbered paragraph 1 amended

[T] NEW subsection 5

105.19 Insurance and surety bond requirements.

1. An applicant for a contractor license or renewal of an active contractor license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the board by rule.

2. If the applicant is engaged in plumbing, HVAC, refrigeration, or hydronic work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant is engaged in the plumbing, HVAC, refrigeration, or hydronic business as an employee or owner of a legal entity, then the insurance and surety bond required by this section shall be obtained by the entity and shall cover all plumbing or mechanical work performed by the entity.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensed contractor shall maintain on file with the board a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days’ written notice to the board.

2007 Acts, ch 198, §19; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §20

105.20 Renewal and reinstatement of licenses — fees and penalties — continuing education.

1. All licenses issued under this chapter shall be issued for a three-year period.

2. A license issued under this chapter may be renewed as provided by rule adopted by the board upon application by the licensee, without examination. Applications for renewal shall be made to the board, accompanied by the required renewal licensing fee, at least thirty days prior to the expiration date of the license.

3. The board shall notify each licensee by mail at least sixty days prior to the expiration of a license.

4. Failure to renew a license within a reasonable time after the expiration of the license shall not invalidate the license, but a reasonable penalty may be assessed as adopted by rule, in addition to the license renewal fee, to allow reinstatement of the license.

5. The board shall, by rule, establish a reinstatement process for a licensee who allows a license to lapse, including reasonable penalties.

6. a. The board shall establish continuing education requirements pursuant to section 272C.2. The basic continuing education requirement for renewal of a license shall be the completion, during the immediately preceding license term, of the number of classroom hours of instruction required by the board in courses or seminars which have been approved by the board. The board shall require at least eight classroom hours of instruction during each three-year licensing term.

b. A licensee shall have a thirty-day grace period after expiration of the licensing term to complete all requirements necessary for license renewal without penalty.

2007 Acts, ch 198, §20; 2008 Acts, ch 1089, §9, 10, 12; 2009 Acts, ch 151, §21; 2011 Acts, ch 100, §11, 12, 15

[T] Subsection 1 stricken and rewritten

[T] Subsection 6 amended

105.21 Reciprocal licenses.

The board may license without examination a nonresident applicant who is licensed under plumbing, HVAC, refrigeration, or hydronic professional licensing statutes of another state having similar licensing requirements as those set forth in this chapter and the rules adopted under this chapter if the other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained Iowa plumbing or mechanical professional licenses under this chapter. The board shall adopt the necessary rules, not inconsistent with the law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

2007 Acts, ch 198, §21; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §22

105.22 Grounds for denial, revocation, or suspension of license.

A license to practice as a contractor or as a plumbing, HVAC, refrigeration, or hydronic professional may be revoked or suspended, or an application for licensure may be denied pursuant to procedures established pursuant to chapter 272C by the board, or the licensee may be otherwise disciplined in accordance with that chapter, when the licensee commits any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetence.
3. Knowingly making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession. A copy of the record or conviction or plea of guilty shall be conclusive evidence of such conviction.
5. Fraud in representations as to skill or ability.
6. Use of untruthful or improbable statements in advertisements.
7. Willful or repeated violations of this chapter.
8. Aiding and abetting a person who is not licensed pursuant to this chapter in that person's pursuit of an unauthorized and unlicensed plumbing, HVAC, refrigeration, or hydronic professional practice.
9. Failure to meet the commonly accepted standards of professional competence.
10. Any other such grounds as established by rule by the board.

2007 Acts, ch 198, §22; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §23, 34

[SP] Section, as amended by 2009 Acts, ch 151, §23, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.23 Jurisdiction of revocation and suspension proceedings.

The board shall have exclusive jurisdiction of all proceedings to revoke or suspend a license issued pursuant to this chapter. The board may initiate proceedings under this chapter or chapter 272C, following procedures set out in section 272C.6, either on its own motion or on the complaint of any person. The board, in connection with a proceeding under this chapter, may issue subpoenas to compel attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

2007 Acts, ch 198, §23; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §24, 34

[SP] Section, as amended by 2009 Acts, ch 151, §24, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.24 Notice and default.

1. A written notice stating the nature of the charge or charges against a licensee and the time and place of the hearing before the board on the charges shall be served on the licensee

not less than thirty days prior to the date of hearing either personally or by mailing a copy by certified mail to the last known address of the licensee.

2. If, after having been served with the notice of hearing, the licensee fails to appear at the hearing, the board may proceed to hear evidence against the licensee and may enter such order as is justified by the evidence.

2007 Acts, ch 198, §24; 2008 Acts, ch 1089, §10, 12

[SP] Section is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.25 Advertising — violations — penalties.

1. Only a person who is duly licensed pursuant to this chapter may advertise the fact that the person is licensed as a contractor or as a plumbing, HVAC, refrigeration, or hydronic professional by the state of Iowa.

2. All written advertisements distributed in this state by a person who is engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems shall include the listing of at least one master license number, as applicable. A master plumbing, HVAC, refrigeration, or hydronic professional shall not allow the master's license number to be used in connection with the advertising for more than one person engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems.

3. A person who fraudulently claims to be a licensed contractor or a licensed plumbing, HVAC, refrigeration, or hydronic professional pursuant to this chapter, either in writing, cards, signs, circulars, advertisements, or other communications, is guilty of a simple misdemeanor.

4. A person who fraudulently lists a contractor or a master plumbing, HVAC, refrigeration, or hydronic license number in connection with that person's advertising or falsely displays a contractor or a master plumbing, HVAC, refrigeration, or hydronic professional license number is guilty of a simple misdemeanor. In order to be entitled to use a license number of a master plumbing, HVAC, refrigeration, or hydronic professional, the master plumbing, HVAC, refrigeration, or hydronic professional must be employed by the person in whose name the business of designing, installing, or repairing plumbing or mechanical systems is being conducted.

2007 Acts, ch 198, §25; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §25, 34

[SP] Section, as amended by 2009 Acts, ch 151, §25, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.26 Injunction.

A person engaging in any business or in the practice of any profession for which a license is required by this chapter without such license may be restrained by injunction.

2007 Acts, ch 198, §26; 2008 Acts, ch 1089, §10, 12

[SP] Section is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.27 Civil penalty.

1. In addition to any other penalties provided for in this chapter, the board may, by order, impose a civil penalty, not to exceed five thousand dollars per offense, upon a person violating any provision of this chapter. Each day of a continued violation constitutes a separate offense, except that offenses resulting from the same or common facts or circumstances shall be considered a single offense. Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice.

2. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review in accordance with section 17A.19.

3. If a person fails to pay a civil penalty within thirty days after entry of an order under subsection 1 or, if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the board, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

4. An action to enforce an order under this section may be joined with an action for an injunction.

2007 Acts, ch 198, §27; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §26, 34

[SP] Section, as amended by 2009 Acts, ch 151, §26, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.28 Enforcement.

The board shall enforce the provisions of this chapter. Every licensee and member of the board shall furnish the board such evidence as the licensee or member may have relative to any alleged violation which is being investigated.

2007 Acts, ch 198, §28; 2008 Acts, ch 1089, §10, 13; 2009 Acts, ch 151, §27, 34

[SP] Section, as amended by 2009 Acts, ch 151, §27, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.29 Report of violators.

Every licensee and every member of the board shall report to the board the name of every person who is practicing as a contractor or as a plumber or mechanical professional without a license issued pursuant to this chapter pursuant to the knowledge or reasonable belief of the person making the report. The opening of an office or place of business for the purpose of providing any services for which a license is required by this chapter, the announcing to the public in any way the intention to provide any such service, the use of any professional designation, or the use of any sign, card, circular, device, vehicle, or advertisement, as a provider of any such services shall be prima facie evidence of engaging in the practice of a contractor or a plumber or mechanical professional.

2007 Acts, ch 198, §29; 2008 Acts, ch 1089, §10, 13; 2009 Acts, ch 151, §28, 34

[SP] Section, as amended by 2009 Acts, ch 151, §28, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34

105.30 Attorney general.

Upon request of the board, the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this chapter.

2007 Acts, ch 198, §30; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §29, 34

[SP] Section, as amended by 2009 Acts, ch 151, §29, is applicable on and after July 1, 2009; prior actions taken under section void; 2009 Acts, ch 151, §34