

# CHAPTER 105

## PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS

Referred to in §91C.1, §100D.11, §272C.1

For provisions relating to the development of a combined process for contractor licensing under this chapter and contractor registration under chapter 91C, to be implemented in time for license renewals due July 1, 2017, see §91C.1(3)

105.1	Title.	105.19	Insurance and surety bond requirements.
105.2	Definitions.	105.20	Renewal and reinstatement of licenses — fees and penalties — continuing education.
105.3	Plumbing and mechanical systems board.	105.21	Reciprocal licenses.
105.4	Plumbing installation code — rules.	105.22	Grounds for denial, revocation, or suspension of license.
105.5	Examinations.	105.23	Jurisdiction of revocation and suspension proceedings.
105.6	through 105.8 Repealed by 2009 Acts, ch 151, §32.	105.24	Notice and default.
105.9	Fees.	105.25	Advertising — violations — penalties.
105.10	License or certification required.	105.26	Injunction.
105.11	Chapter inapplicability.	105.27	Civil penalty.
105.12	Form of license.	105.28	Enforcement.
105.13	License presumptive evidence.	105.29	Report of violators.
105.14	Display of contractor license.	105.30	Attorney general.
105.15	Registry of licenses.	105.31	License renewal and reissuance — transition provisions.
105.16	Change of residence.	105.32	Voluntary early renewal of license.
105.17	Preemption of local licensing requirements.		
105.18	Qualifications and types of licenses issued.		

### 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, mechanical, HVAC-refrigeration, sheet metal, 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, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, 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, refrigeration

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 whose primary purpose is to provide comfort 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. For purposes of this definition, “primary purpose is to provide comfort” means a system or appliance in which at least fifty-one percent of the capacity generated by its operation, on an annual average, is dedicated to comfort heating or cooling.

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, mechanical, HVAC, refrigeration, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems and is otherwise lawfully qualified to conduct the business of plumbing, mechanical, HVAC, refrigeration, sheet metal, 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, sheet metal, or hydronic industry.

12. “Mechanical systems” means HVAC, refrigeration, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, 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.

18. “Sheet metal” means heating, ventilation, air conditioning, pollution control, fume hood systems and related ducted systems or installation of equipment associated with any component of a sheet metal system. “Sheet metal” excludes refrigeration and electrical lines

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

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; 2012 Acts, ch 1023, §22; 2012 Acts, ch 1026, §1, 2; 2012 Acts, ch 1138, §47, 78, 79; 2013 Acts, ch 77, §2, 3, 36

### **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 journeyman 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 journeyman 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, mechanical, HVAC, refrigeration, sheet metal, 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; 2013 Acts, ch 77, §4, 36

Referred to in §105.2  
Confirmation, see §2.32

#### **105.4 Plumbing installation code — rules.**

1. a. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the state fire marshal, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. The board may adopt amendments to each code by rule. The board shall work in consultation with the state fire marshal to ensure that proposed amendments do not conflict with the fire safety rules and standards promulgated by the state fire marshal. The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.

b. Except as provided in paragraph “c”, a local jurisdiction is not required to adopt by ordinance the state plumbing code or the state mechanical code. However, a local jurisdiction that adopts by ordinance the state plumbing code or the state mechanical code may adopt standards that are more restrictive. A local jurisdiction that adopts standards that are more restrictive than the state plumbing code or the state mechanical code shall promptly provide copies of those standards to the board. The board shall maintain on its internet site the text of all local jurisdiction standards that differ from the applicable statewide code. Local jurisdictions shall not be required to conduct inspections or take any other enforcement action under the state plumbing code and state mechanical code regardless of whether the local jurisdiction has adopted by ordinance the state plumbing code or the state mechanical code.

c. A local jurisdiction with a population of more than fifteen thousand that has not adopted by ordinance the state plumbing code and state mechanical code shall have until December 31, 2016, to do so. Cities that have adopted a plumbing code or mechanical code as of April 26, 2013, shall have until December 31, 2016, to adopt the state plumbing code or the state mechanical code in lieu thereof.

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; 2013 Acts, ch 77, §5, 36

#### **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.

4. The board shall adopt an industry standardized examination for each license type. If a standardized examination is not available for a specified license type, the board shall work with the appropriate testing vendor to create an examination for the specified license type.

2007 Acts, ch 198, §5; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §7; 2011 Acts, ch 100, §3, 15; 2013 Acts, ch 77, §6, 36

Contractor registration, see chapter 91C

**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. The board may charge a fee for an application required by [this chapter](#) and submitted on paper if an internet application process is available.

7. *a.* Licenses issued under [this chapter](#) on or after July 1, 2014, shall expire on the same renewal date every three years, beginning with June 30, 2017.

*b.* New licenses issued after the July 1 beginning of each three-year renewal cycle shall be prorated using a one-sixth deduction for each six-month period of the renewal cycle.

[2007 Acts, ch 198, §9; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §8; 2011 Acts, ch 100, §4 – 6, 15; 2013 Acts, ch 77, §7, 8, 36](#)

Transfer of portion of contractor license fees to labor services division of department of workforce development and creation of combined contractor license and registration process, see §91C.1(3)

**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, mechanical, HVAC, refrigeration, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems unless at all times a licensed master, who shall be responsible for the proper designing, installing, and repairing of the plumbing, HVAC, refrigeration, sheet metal, or hydronic system, is employed by the person and is actively in charge of the plumbing, mechanical, HVAC, refrigeration, sheet metal, 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. An individual holding a master mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to design, install, or repair the work defined in [this chapter](#) as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a journeyman mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to install and repair the work defined in [this chapter](#) as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a master or journeyman mechanical license shall also not

be required to obtain a special, restricted license that is designated as a sublicense of the mechanical, HVAC-refrigeration, sheet metal, or hydronic licenses.

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.

2007 Acts, ch 198, §10; 2008 Acts, ch 1032, §103, 202; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §9, 10; 2013 Acts, ch 77, §9 – 11, 36; 2013 Acts, ch 140, §56; 2014 Acts, ch 1092, §26

#### **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, sheet metal, 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, journey person, or master to obtain a plumbing, mechanical, HVAC-refrigeration, sheet metal, 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, sheet metal, 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; 2013 Acts, ch 77, §12, 36](#)

Referred to in [§105.10](#)

#### **105.12 Form of license.**

1. A contracting, plumbing, mechanical, HVAC-refrigeration, sheet metal, 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; 2013 Acts, ch 77, §13, 36](#)

#### **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, mechanical, HVAC-refrigeration, sheet metal, 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; 2013 Acts, ch 77, §14, 36](#)

#### **105.16 Change of residence.**

If a person licensed to practice as a contractor or a plumbing, mechanical, HVAC-refrigeration, sheet metal, 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; 2013 Acts, ch 77, §15, 36](#)

#### **105.17 Preemption of local licensing requirements.**

1. The provisions of [this chapter](#) regarding the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals and contractors shall supersede

and preempt all plumbing, mechanical, HVAC-refrigeration, sheet metal, hydronic, and contracting licensing provisions of all governmental subdivisions.

a. 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, mechanical, HVAC-refrigeration, sheet metal, 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 plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals.

[2007 Acts, ch 198, §17; 2008 Acts, ch 1089, §7, 10, 12; 2009 Acts, ch 151, §18; 2013 Acts, ch 77, §16, 36](#)

### **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, mechanical, HVAC-refrigeration, sheet metal, and hydronic licenses and contractor licenses.* The board shall issue master licenses for plumbing, mechanical, HVAC-refrigeration, and hydronic professionals. The board shall issue journeyman licenses for plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals. A plumbing license shall allow an individual to perform work defined as plumbing. A mechanical license shall allow an individual to perform work defined as HVAC, refrigeration, sheet metal, and hydronic. An HVAC-refrigeration license shall allow an individual to perform work defined as HVAC and refrigeration. A hydronic license shall allow an individual to perform work defined as hydronic. A sheet metal license shall allow an individual to perform work defined as sheet metal. The board shall issue the separate licenses 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 journeyman license and an inactive master license.

(3) An individual who has passed both the journeyman HVAC-refrigeration examination and the journeyman hydronic examination separately shall be qualified to



be issued a journeyperson mechanical license without having to pass the journeyperson mechanical examination.

*c. Master license.*

(1) In order to be licensed by the board as a master, 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 master licensing examination for the applicable discipline.

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

(2) An individual who has passed both the master HVAC-refrigeration examination and the master hydronic examination separately shall be qualified to be issued a master mechanical license without having to pass the master mechanical examination.

*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 and establish that the person meets the minimum requirements adopted by the board. Through June 30, 2017, the application shall include the person's state contractor registration number. After July 1, 2017, the application shall include proof of workers compensation insurance coverage, proof of unemployment insurance compliance, and, for out-of-state contractors, a bond as described in [chapter 91C](#).

(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, mechanical, HVAC-refrigeration, sheet metal, or hydronic license. A special, restricted license may be a sublicense of multiple types of licenses. An individual holding a master or journeyperson, plumbing, mechanical, HVAC-refrigeration, sheet metal, 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 mechanical license or a master or journeyperson HVAC-refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to [chapter 103](#) in order to disconnect and reconnect existing air conditioning and refrigeration systems.

*4. 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 journeyman 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; 2013 Acts, ch 77, §17 – 23, 36; 2014 Acts, ch 1106, §20; 2015 Acts, ch 30, §38

#### **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, mechanical, HVAC, refrigeration, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, 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 ten days' written notice to the board.

2007 Acts, ch 198, §19; 2008 Acts, ch 1089, §10, 12; 2009 Acts, ch 151, §20; 2013 Acts, ch 77, §24, 36

#### **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. 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.

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

5. 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; 2013 Acts, ch 77, §25, 36

For provisions granting a one-time extension of licenses having an expiration date prior to June 30, 2014, and provisions for renewal and reissuance of licenses having an expiration date prior to June 30, 2017, see §105.31

Subsection 3 stricken by its own terms effective December 31, 2016; 2013 Acts, ch 77, §25

Subsection 3 stricken and former subsections 4 – 6 renumbered as 3 – 5

#### **105.21 Reciprocal licenses.**

The board may license without examination a nonresident applicant who is licensed under plumbing, mechanical, HVAC-refrigeration, sheet metal, 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; 2013 Acts, ch 77, §26, 36](#)

Referred to in [§105.17](#)

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

A license to practice as a contractor or as a plumbing, mechanical, HVAC-refrigeration, sheet metal, 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, mechanical, HVAC, refrigeration, sheet metal, 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; 2013 Acts, ch 77, §27, 28, 36](#)

Referred to in [§272C.3, §272C.4](#)

#### **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](#)

Referred to in [§272C.5](#)

#### **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](#)

Referred to in [§272C.5](#)

**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, mechanical, HVAC-refrigeration, sheet metal, 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, sheet metal, or hydronic systems shall include the listing of the contractor license number, as applicable.

3. A person who fraudulently claims to be a licensed contractor or a licensed plumbing, mechanical, HVAC-refrigeration, sheet metal, 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 license number in connection with that person's advertising or falsely displays a license number is guilty of a simple misdemeanor.

[2007 Acts, ch 198, §25](#); [2008 Acts, ch 1089, §10, 12](#); [2009 Acts, ch 151, §25, 34](#); [2013 Acts, ch 77, §29, 36](#)

**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](#)

**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](#)

**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](#)

**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 plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic 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 plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professional.

[2007 Acts, ch 198, §29](#); [2008 Acts, ch 1089, §10, 13](#); [2009 Acts, ch 151, §28, 34](#); [2013 Acts, ch 77, §30, 36](#)

### **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](#)

### **105.31 License renewal and reissuance — transition provisions.**

#### *1. License expiration.*

a. All licenses that currently possess an expiration date prior to June 30, 2014, shall be granted a one-time extension of the expiration date to June 30, 2014, at no additional charge or continuing education requirements. The licensees of these licenses shall pay a full renewal fee upon renewal and shall be issued a license with an expiration date of June 30, 2017. Applicable late renewal fees shall apply during this period.

b. Licenses with an expiration date of July 1, 2014, or later shall have the license renewal fee prorated using a one-sixth deduction for each six-month period following July 1, 2014. Applicable late renewal fees shall apply during this period. Licenses renewed through June 29, 2017, shall be issued with an expiration date of June 30, 2017.

#### *2. License reissue.*

A license reissued pursuant to [this subsection](#) shall be for the same level of license held by the licensee on April 26, 2013, but may be for a class described in paragraphs “a” through “e”, if applicable. A license shall be reissued at the date of the first renewal.

a. An individual with either an HVAC or a refrigeration license will be issued an HVAC-refrigeration license.

b. An individual who holds an HVAC and a hydronic license will be issued a mechanical license at the first renewal.

c. An individual who holds a refrigeration and a hydronic license will be issued a mechanical license.

d. An individual who holds only a hydronic license will be issued a hydronic license.

e. An individual who holds an HVAC or a refrigeration license may take the hydronic test before June 30, 2014, in order to be issued a mechanical license at the time of renewal.

[2013 Acts, ch 77, §31, 36](#)

For provisions relating to the development of a combined process for contractor licensing under this chapter and contractor registration under chapter 91C, to be implemented in time for license renewals due July 1, 2017, see §91C.1(3)

### **105.32 Voluntary early renewal of license.**

A licensee whose license expires between June 30, 2014, and July 1, 2017, may voluntarily renew the license early so the license has an expiration date of June 30, 2017. This voluntary early renewal may happen at any time on or after July 1, 2014. The department shall promulgate rules that allow for this one-time early renewal process, including fees and continuing education requirements.

[2013 Acts, ch 77, §32, 36](#); [2013 Acts, ch 140, §57](#)