



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 25, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 908, an Act relating to the licensing and regulation of plumbers and mechanical professionals, and providing an appropriation and penalties and providing an effective date.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", written over the printed name and title.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 908

AN ACT

RELATING TO THE LICENSING AND REGULATION OF PLUMBERS AND MECHANICAL PROFESSIONALS, AND PROVIDING AN APPROPRIATION AND PENALTIES AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 104C.1 TITLE.

This chapter may be known and cited as the "Iowa Plumber and Mechanical Professional Licensing Act".

Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.

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

1. "Apprentice" means any person, other than a helper, journeyman, 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 journeyman 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 examining board as established pursuant to section 104C.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, and air conditioning in ducted systems. "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 comfort heating or comfort 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.

9. "Journeyperson" 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 and product preservation and is not intended to be used for comfort systems.

Sec. 3. NEW SECTION. 104C.3 PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD.

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

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

a. The director of public health or the director's designee.

b. The commissioner of public safety or the commissioner's designee.

c. One plumbing inspector.

d. One mechanical inspector.

e. A contractor who primarily works in rural areas.

f. 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.

g. 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.

h. 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.

i. 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.

The board members enumerated in paragraphs "c" through "i" are subject to confirmation by the senate.

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.

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 examining 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 examining boards for the professions of plumbing, HVAC, refrigeration, or hydronic professionals, with all membership fees to be paid from funds appropriated to the board.

Sec. 4. NEW SECTION. 104C.4 RULES.

The board shall adopt all rules necessary to carry out the licensing and other provisions of this chapter.

Sec. 5. NEW SECTION. 104C.5 APPLICATIONS FOR EXAMINATIONS.

Any person desiring to take an examination for a license issued pursuant to this chapter shall make application to the board at least fifteen days before the examination, on a form provided by the board. The application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take the examination. All applications shall be in accordance with the rules of the department and the board and shall be signed by the applicant. The board may require that a recent photograph of the applicant be attached to the application.

Sec. 6. NEW SECTION. 104C.6 EXAMINATIONS.

1. The board shall give public notice of the time and place of all examinations to be held under this chapter. Such notice shall be given in such manner as the board deems necessary to provide adequate time to allow all candidates for licensure to comply with the provisions of this chapter.

2. Examinations for the licenses which may be issued pursuant to this chapter shall be conducted at least two times per year at such time and location as the department may fix in cooperation with the board. Applicants who fail to pass an examination shall be allowed to retake the examination at the next scheduled time. Any subsequent opportunities to take the examination are available only at the discretion of the board. An applicant who has failed an examination may request in

writing information from the board concerning the examination grade and subject areas or questions where the applicant failed to answer correctly, except that if the board administers a uniform, standardized examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board.

3. Prior to each examination, the department shall transmit to the board the list of candidates who are eligible to take the examinations to be given by the board. In making up such list, the department may call upon the board, or any member thereof, for information relative to the eligibility of any applicant.

4. An examination shall be evaluated in accordance with the rules of the board. After each examination, the board shall certify the names of the successful applicants to the department in the manner prescribed by the department. The department shall then issue the proper license and make the required entry in the registry book.

5. All matters connected with an examination for a license shall be filed with the department and preserved for such period of time as specified by the state records commission as a part of the records of the department. The records, except for records which reveal the performance of identified candidates, shall be open to public inspection.

Sec. 7. NEW SECTION. 104C.7 EXAMINATION RULES.

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

1. 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.

2. The denial of applicants seeking to take examinations.

3. The conducting of examinations.

4. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.

5. The minimum scores required for passing standardized examinations.

6. The selection of nationally recognized vendors providing examinations.

Sec. 8. NEW SECTION. 104C.8 EXAMINATION ASSISTANCE.

Upon the request of the board, the department shall assign one or more employees of the department to assist with any examination given by the board. A member of the board shall be present and shall have charge of all candidates during the examination. An employee assigned by the department shall perform such duties to assist with the examination process as the board may direct. If the duties of such employees are performed away from the seat of government, the employees shall receive necessary travel expenses, which shall be paid from the appropriations to the board in the same manner in which other similar expenses are paid. The department shall be reimbursed by the board for costs incurred.

Sec. 9. NEW SECTION. 104C.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, based upon the costs of sustaining the board and the actual costs of licensing.

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.

Sec. 10. NEW SECTION. 104C.10 LICENSE OR CERTIFICATION REQUIRED.

1. Except as provided in section 104C.11, a person shall not 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 104C.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 less than ten mechanical professionals.

Sec. 11. NEW SECTION. 104C.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, 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 who is exclusively engaged in the practice of the person's profession.

2. Require employees of municipal corporations, 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.

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. The provisions of this chapter shall also not be construed to 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 require such owner or operator to be licensed under this chapter.

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, journeyman, or master to obtain a plumbing, HVAC, refrigeration, or hydronic license. Experience as a helper shall not be considered as practical experience for a journeyman license.

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

Sec. 12. NEW SECTION. 104C.12 FORM OF LICENSE.

A plumbing, HVAC, refrigeration, or hydronic license shall be in the form of a certificate under the seal of the

department, signed by the Iowa director of public health, and shall be issued in the name of the board. The number of the book and page of the registry containing the entry of the license in the office of the department shall be noted on the face of the license.

Sec. 13. NEW SECTION. 104C.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.

Sec. 14. NEW SECTION. 104C.14 DISPLAY OF MASTER LICENSE.

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

Sec. 15. NEW SECTION. 104C.15 REGISTRY OF LICENSES.

The name, location, and number of years of practice of the person to whom the license has been issued, the number of the certificate, and the date of registration thereof 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 shall be open to public inspection; however, the home address of the licensee shall be confidential.

Sec. 16. NEW SECTION. 104C.16 CHANGE OF RESIDENCE.

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

Sec. 17. NEW SECTION. 104C.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, or hydronic licensing provisions of all governmental subdivisions. On and after the effective date of this Act, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 104C.21, and of no further force and effect, and a governmental subdivision may not prohibit 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.

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.

Sec. 18. NEW SECTION. 104C.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 directly to the practice of the profession for which the applicant requests to be licensed. Character references may be required as part of the licensing process, but shall not be obtained from licensed members of the plumbing or mechanical profession.

2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES. The board shall issue separate licenses for plumbing, HVAC, refrigeration, and hydronic professionals as follows:

a. Apprentice license. In order to be licensed by the department 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. In order to be licensed by the department as a journeyman in the applicable discipline, 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 journeyman licensing examination in the applicable discipline.

(3) Provide the board with evidence of having completed at least four years of practical experience as an apprentice.

c. Master license. In order to be licensed by the department 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 examining board that the person has previously been a licensed journeyman in the applicable discipline or satisfies all requirements required to be licensed as a journeyman in the applicable discipline.

(4) Provide evidence of public liability insurance pursuant to section 104C.19.

3. COMBINED LICENSES. The department may issue single or combined licenses to persons who qualify as a master, journeyman, or apprentice under any of the disciplines.

4. WAIVER. Notwithstanding section 17A.9A, the board shall waive the written examination requirements set forth in this section for a journeyman 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 the effective date of this Act 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.

Sec. 19. NEW SECTION. 104C.19 INSURANCE AND SURETY BOND REQUIREMENTS.

1. An applicant for a master license or renewal of an active master 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 master shall maintain on file with the department 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 department.

Sec. 20. NEW SECTION. 104C.20 RENEWAL AND REINSTATEMENT OF LICENSES -- FEES AND PENALTIES -- CONTINUING EDUCATION.

1. A license issued pursuant to this chapter shall be issued for a term of two years.

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 in writing to the department accompanied by the required renewal licensing fee at least thirty days prior to the expiration date of the license.

3. A renewal license shall be displayed in connection with the original license.

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

5. 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.

6. A licensee who allows a license to lapse for a period of one month or less may reinstate and renew the license without examination upon the recommendation of the board and upon payment of the applicable renewal and reinstatement fees.

7. A licensee who allows a license to lapse for a period of time greater than one month is required to retake and pass the applicable licensing examination in order to obtain reinstatement and renewal of that person's license.

8. 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 two-year licensing term.

Sec. 21. NEW SECTION. 104C.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 department and 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.

Sec. 22. NEW SECTION. 104C.22 GROUNDS FOR DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.

A license to practice 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.

Sec. 23. NEW SECTION. 104C.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. Before scheduling a hearing, the board may request the department to conduct an investigation into the charges to be addressed at the board hearing. The department shall report its findings to the board. 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.

Sec. 24. NEW SECTION. 104C.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.

Sec. 25. NEW SECTION. 104C.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 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 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 master plumbing, HVAC, refrigeration, or hydronic license number in connection with that person's advertising or falsely displays 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.

Sec. 26. NEW SECTION. 104C.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.

Sec. 27. NEW SECTION. 104C.27 CIVIL PENALTY.

1. In addition to any other penalties provided for in this chapter, the board may, by order, impose a civil penalty 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.

Sec. 28. NEW SECTION. 104C.28 ENFORCEMENT.

The department shall enforce the provisions of this chapter and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of the board shall furnish the department or the department of inspections and appeals such evidence as the licensee or member may have relative to any alleged violation which is being investigated.

Sec. 29. NEW SECTION. 104C.29 REPORT OF VIOLATORS.

Every licensee and every member of the board shall report to the department the name of every person who is practicing 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 plumber or mechanical professional.

Sec. 30. NEW SECTION. 104C.30 ATTORNEY GENERAL.

Upon request of the department, 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.

Sec. 31. Section 272C.1, subsection 6, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. ae. The plumbing and mechanical systems examining board, created pursuant to chapter 104C.

Sec. 32. Section 272C.3, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 104C.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;


Sec. 33. Section 272C.4, subsection 6, Code 2007, is amended to read as follows:


6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under section 104C.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of section 272C.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 272C.9, subsection 2;

Sec. 34. Section 272C.5, subsection 2, paragraph c, Code 2007, is amended to read as follows:

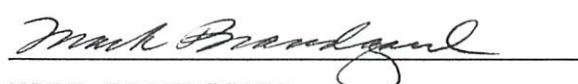
c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections 104C.23 and 104C.24, 147.58 through 147.71, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

Sec. 35. EFFECTIVE DATE. This Act takes effect July 1, 2008.



PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 908, Eighty-second General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved May 25th, 2007


CHESTER J. CULVER
Governor