

House File 908 - Enrolled

PAG LIN

1 1 HOUSE FILE 908
1 2
1 3 AN ACT
1 4 RELATING TO THE LICENSING AND REGULATION OF PLUMBERS AND
1 5 MECHANICAL PROFESSIONALS, AND PROVIDING AN APPROPRIATION
1 6 AND PENALTIES AND PROVIDING AN EFFECTIVE DATE.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. NEW SECTION. 104C.1 TITLE.
1 11 This chapter may be known and cited as the "Iowa Plumber
1 12 and Mechanical Professional Licensing Act".
1 13 Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.
1 14 As used in this chapter, unless the context otherwise
1 15 requires:
1 16 1. "Apprentice" means any person, other than a helper,
1 17 journeyman, or master, who, as a principal occupation, is
1 18 engaged in working as an employee of a plumbing, HVAC,
1 19 refrigeration, or hydronic systems contractor under the
1 20 supervision of either a master or a journeyman and is
1 21 progressing toward completion of an apprenticeship training
1 22 program registered by the office of apprenticeship of the
1 23 United States department of labor while learning and assisting
1 24 in the design, installation, and repair of plumbing, HVAC,
1 25 refrigeration, or hydronic systems, as applicable.
1 26 2. "Board" means the plumbing and mechanical systems
1 27 examining board as established pursuant to section 104C.3.
1 28 3. "Contractor" means a person or entity that provides
1 29 plumbing, HVAC, refrigeration, or hydronic systems services on
1 30 a contractual basis and who is paid a predetermined amount
1 31 under that contract for rendering those services.
1 32 4. "Department" means the Iowa department of public
1 33 health.
1 34 5. "Governmental subdivision" means any city, county, or
1 35 combination thereof.
2 1 6. "Helper" means a person engaged in general manual labor
2 2 activities who provides assistance to an apprentice,
2 3 journeyman, or master while under the supervision of a
2 4 journeyman or master.
2 5 7. "HVAC" means heating, ventilation, and air conditioning
2 6 in ducted systems. "HVAC" includes all natural, propane,
2 7 liquid propane, or other gas lines associated with any
2 8 component of an HVAC system.
2 9 8. "Hydronic" means a heating or cooling system that
2 10 transfers heating or cooling by circulating fluid through a
2 11 closed system, including boilers, pressure vessels,
2 12 refrigerated equipment in connection with chilled water
2 13 systems, all steam piping, hot or chilled water piping
2 14 together with all control devices and accessories, installed
2 15 as part of, or in connection with, any comfort heating or
2 16 comfort cooling system or appliance using a liquid water or
2 17 steam as the heating or cooling media. "Hydronic" includes
2 18 all low-pressure and high-pressure systems.
2 19 9. "Journeyman" means any person, other than a master,
2 20 who, as a principal occupation, is engaged as an employee of,
2 21 or otherwise working under the direction of, a master in the
2 22 design, installation, and repair of plumbing, HVAC,
2 23 refrigeration, or hydronic systems, as applicable.
2 24 10. "Master" means any person who works in the planning or
2 25 superintending of the design, installation, or repair of
2 26 plumbing, HVAC, refrigeration, or hydronic systems and is
2 27 otherwise lawfully qualified to conduct the business of
2 28 plumbing, HVAC, refrigeration, or hydronic systems, and who is
2 29 familiar with the laws and rules governing the same.
2 30 11. "Mechanical professional" means a person engaged in
2 31 the HVAC, refrigeration, or hydronic industry.
2 32 12. "Mechanical systems" means HVAC, refrigeration, and
2 33 hydronic systems.
2 34 13. "Medical gas piping" means a permanent fixed piping
2 35 system in a health care facility which is used to convey
3 1 oxygen, nitrous oxide, nitrogen, carbon dioxide, helium,
3 2 medical air, and mixtures of these gases from its source to
3 3 the point of use and includes the fixed piping associated with

3 4 a medical, surgical, or gas scavenging vacuum system, as well
3 5 as a bedside suction system.

3 6 14. "Medical gas system installer" means any person who
3 7 installs or repairs medical gas piping, components, and vacuum
3 8 systems, including brazers, who has been issued a valid
3 9 certification from the national inspection testing
3 10 certification (NITC) corporation, or an equivalent authority
3 11 approved by the board.

3 12 15. "Plumbing" means all potable water building supply and
3 13 distribution pipes, all plumbing fixtures and traps, all
3 14 drainage and vent pipes, and all building drains and building
3 15 sewers, storm sewers, and storm drains, including their
3 16 respective joints and connections, devices, receptors, and
3 17 appurtenances within the property lines of the premises, and
3 18 including the connection to sanitary sewer, storm sewer, and
3 19 domestic water mains. "Plumbing" includes potable water
3 20 piping, potable water treating or using equipment, medical gas
3 21 piping systems, fuel gas piping, water heaters and vents,
3 22 including all natural, propane, liquid propane, or other gas
3 23 lines associated with any component of a plumbing system.

3 24 16. "Refrigeration" means any system of refrigeration
3 25 regardless of the level of power, if such refrigeration is
3 26 intended to be used for the purpose of food and product
3 27 preservation and is not intended to be used for comfort
3 28 systems.

3 29 Sec. 3. NEW SECTION. 104C.3 PLUMBING AND MECHANICAL
3 30 SYSTEMS EXAMINING BOARD.

3 31 1. A plumbing and mechanical systems examining board is
3 32 created within the Iowa department of public health.

3 33 2. The examining board shall be comprised of eleven
3 34 members, appointed by the governor, as follows:

3 35 a. The director of public health or the director's
4 1 designee.

4 2 b. The commissioner of public safety or the commissioner's
4 3 designee.

4 4 c. One plumbing inspector.

4 5 d. One mechanical inspector.

4 6 e. A contractor who primarily works in rural areas.

4 7 f. An individual licensed as a journeyman plumber
4 8 pursuant to the provisions of this chapter or, for the initial
4 9 membership of the board, an individual eligible for such
4 10 licensure.

4 11 g. An individual working as a plumbing contractor and
4 12 licensed as a master plumber pursuant to the provisions of
4 13 this chapter or, for the initial membership of the board, an
4 14 individual eligible for such licensure.

4 15 h. Two individuals licensed as journeyman mechanical
4 16 professionals pursuant to the provisions of this chapter or,
4 17 for the initial membership of the board, two individuals
4 18 eligible for such licensure.

4 19 i. Two individuals licensed as master mechanical
4 20 professionals pursuant to the provisions of this chapter or,
4 21 for the initial membership of the board, two individuals
4 22 eligible for such licensure. One of these individuals shall
4 23 be a mechanical systems contractor.

4 24 The board members enumerated in paragraphs "c" through "i"
4 25 are subject to confirmation by the senate.

4 26 The terms of the two plumber representatives on the board
4 27 shall not expire on the same date, and one of the two plumber
4 28 representatives on the board shall at all times while serving
4 29 on the board be affiliated with a labor union while the other
4 30 shall at all times while serving on the board not be
4 31 affiliated with a labor union.

4 32 The terms of the mechanical professional representatives on
4 33 the board shall not expire on the same date, and at least one
4 34 of the mechanical professional representatives on the board
4 35 shall at all times while serving on the board be affiliated
5 1 with a labor union while at least one of the other mechanical
5 2 professional representatives shall at all times while serving
5 3 on the board not be affiliated with a labor union.

5 4 3. Members shall serve three-year terms except for the
5 5 terms of the initial members, which shall be staggered so that
5 6 three members' terms expire each calendar year. A member of
5 7 the board shall serve no more than three full terms. A
5 8 vacancy in the membership of the board shall be filled by
5 9 appointment by the governor subject to senate confirmation.

5 10 4. If a person who has been appointed to serve on the
5 11 board has ever been disciplined by the board, all board
5 12 complaints and statements of charges, settlement agreements,
5 13 findings of fact, and orders pertaining to the disciplinary
5 14 action shall be made available to the senate committee to

5 15 which the appointment is referred at the committee's request
5 16 before the full senate votes on the person's appointment.

5 17 5. The board shall organize annually and shall select a
5 18 chairperson and a secretary from its membership. A quorum
5 19 shall consist of a majority of the members of the board.

5 20 6. Members of the board shall receive actual expenses for
5 21 their duties as a member of the examining board. Each member
5 22 of the board may also be eligible to receive compensation as
5 23 provided in section 7E.6.

5 24 7. The board may maintain a membership in any national
5 25 organization of state examining boards for the professions of
5 26 plumbing, HVAC, refrigeration, or hydronic professionals, with
5 27 all membership fees to be paid from funds appropriated to the
5 28 board.

5 29 Sec. 4. NEW SECTION. 104C.4 RULES.

5 30 The board shall adopt all rules necessary to carry out the
5 31 licensing and other provisions of this chapter.

5 32 Sec. 5. NEW SECTION. 104C.5 APPLICATIONS FOR
5 33 EXAMINATIONS.

5 34 Any person desiring to take an examination for a license
5 35 issued pursuant to this chapter shall make application to the
6 1 board at least fifteen days before the examination, on a form
6 2 provided by the board. The application shall be accompanied
6 3 by the examination fee and such documents and affidavits as
6 4 are necessary to show the eligibility of the candidate to take
6 5 the examination. All applications shall be in accordance with
6 6 the rules of the department and the board and shall be signed
6 7 by the applicant. The board may require that a recent
6 8 photograph of the applicant be attached to the application.

6 9 Sec. 6. NEW SECTION. 104C.6 EXAMINATIONS.

6 10 1. The board shall give public notice of the time and
6 11 place of all examinations to be held under this chapter. Such
6 12 notice shall be given in such manner as the board deems
6 13 necessary to provide adequate time to allow all candidates for
6 14 licensure to comply with the provisions of this chapter.

6 15 2. Examinations for the licenses which may be issued
6 16 pursuant to this chapter shall be conducted at least two times
6 17 per year at such time and location as the department may fix
6 18 in cooperation with the board. Applicants who fail to pass an
6 19 examination shall be allowed to retake the examination at the
6 20 next scheduled time. Any subsequent opportunities to take the
6 21 examination are available only at the discretion of the board.
6 22 An applicant who has failed an examination may request in
6 23 writing information from the board concerning the examination
6 24 grade and subject areas or questions where the applicant
6 25 failed to answer correctly, except that if the board
6 26 administers a uniform, standardized examination, the board
6 27 shall only be required to provide the examination grade and
6 28 such other information concerning the applicant's examination
6 29 results which are available to the board.

6 30 3. Prior to each examination, the department shall
6 31 transmit to the board the list of candidates who are eligible
6 32 to take the examinations to be given by the board. In making
6 33 up such list, the department may call upon the board, or any
6 34 member thereof, for information relative to the eligibility of
6 35 any applicant.

7 1 4. An examination shall be evaluated in accordance with
7 2 the rules of the board. After each examination, the board
7 3 shall certify the names of the successful applicants to the
7 4 department in the manner prescribed by the department. The
7 5 department shall then issue the proper license and make the
7 6 required entry in the registry book.

7 7 5. All matters connected with an examination for a license
7 8 shall be filed with the department and preserved for such
7 9 period of time as specified by the state records commission as
7 10 a part of the records of the department. The records, except
7 11 for records which reveal the performance of identified
7 12 candidates, shall be open to public inspection.

7 13 Sec. 7. NEW SECTION. 104C.7 EXAMINATION RULES.

7 14 The board shall adopt rules relating to all of the
7 15 following:

7 16 1. The qualifications required for applicants seeking to
7 17 take examinations, which qualifications shall include a
7 18 requirement that an applicant who is a contractor shall be
7 19 required to provide the contractor's state contractor
7 20 registration number.

7 21 2. The denial of applicants seeking to take examinations.

7 22 3. The conducting of examinations.

7 23 4. The grading of examinations and passing upon the
7 24 technical qualifications of applicants, as shown by such
7 25 examinations.

7 26 5. The minimum scores required for passing standardized
7 27 examinations.

7 28 6. The selection of nationally recognized vendors
7 29 providing examinations.

7 30 Sec. 8. NEW SECTION. 104C.8 EXAMINATION ASSISTANCE.

7 31 Upon the request of the board, the department shall assign
7 32 one or more employees of the department to assist with any
7 33 examination given by the board. A member of the board shall
7 34 be present and shall have charge of all candidates during the
7 35 examination. An employee assigned by the department shall
8 1 perform such duties to assist with the examination process as
8 2 the board may direct. If the duties of such employees are
8 3 performed away from the seat of government, the employees
8 4 shall receive necessary travel expenses, which shall be paid
8 5 from the appropriations to the board in the same manner in
8 6 which other similar expenses are paid. The department shall
8 7 be reimbursed by the board for costs incurred.

8 8 Sec. 9. NEW SECTION. 104C.9 FEES.

8 9 1. The board shall set the fees for the examination of all
8 10 applicants, by rule, which fees shall be based upon the cost
8 11 of administering the examinations.

8 12 2. The board shall set the license fees and renewal fees
8 13 for all licenses issued pursuant to this chapter, by rule,
8 14 based upon the costs of sustaining the board and the actual
8 15 costs of licensing.

8 16 3. All fees collected under this chapter shall be retained
8 17 by the board. The moneys retained by the board shall be used
8 18 for any of the board's duties under this chapter, including
8 19 but not limited to the addition of full-time equivalent
8 20 positions for program services and investigations. Revenues
8 21 retained by the board pursuant to this section shall be
8 22 considered repayment receipts as defined in section 8.2.
8 23 Notwithstanding section 8.33, moneys retained by the board
8 24 pursuant to this section are not subject to reversion to the
8 25 general fund of the state.

8 26 4. Nothing in this chapter shall be interpreted to
8 27 prohibit the state or any of its governmental subdivisions
8 28 from charging construction permit fees or inspection fees
8 29 related to work performed by plumbers and mechanical
8 30 professionals.

8 31 Sec. 10. NEW SECTION. 104C.10 LICENSE OR CERTIFICATION
8 32 REQUIRED.

8 33 1. Except as provided in section 104C.11, a person shall
8 34 not install or repair plumbing, HVAC, refrigeration, or
8 35 hydronic systems without obtaining a license issued by the
9 1 board, or install or repair medical gas piping systems without
9 2 obtaining a valid certification approved by the board.

9 3 2. Except as provided in section 104C.11, a person shall
9 4 not engage in the business of designing, installing, or
9 5 repairing plumbing, HVAC, refrigeration, or hydronic systems
9 6 unless at all times a licensed master, who shall be
9 7 responsible for the proper designing, installing, and
9 8 repairing of the HVAC, refrigeration, or hydronic system, is
9 9 employed by the person and is actively in charge of the
9 10 plumbing, HVAC, refrigeration, or hydronic work of the person.
9 11 An individual who performs such work pursuant to a business
9 12 operated as a sole proprietorship shall be a licensed master
9 13 in the applicable discipline.

9 14 3. The board may allow a two-year delay in implementing
9 15 the licensure requirements for contractors who employ less
9 16 than ten mechanical professionals.

9 17 Sec. 11. NEW SECTION. 104C.11 CHAPTER INAPPLICABILITY.

9 18 The provisions of this chapter shall not be construed to do
9 19 any of the following:

9 20 1. Apply to a person licensed as an engineer pursuant to
9 21 chapter 542B, registered as an architect pursuant to chapter
9 22 544A, or licensed as a landscape architect pursuant to chapter
9 23 544B who provides consultations or develops plans or other
9 24 work concerning plumbing, HVAC, refrigeration, or hydronic
9 25 work who is exclusively engaged in the practice of the
9 26 person's profession.

9 27 2. Require employees of municipal corporations, electric
9 28 membership or cooperative associations, public utility
9 29 corporations, rural water associations or districts,
9 30 railroads, or commercial retail or industrial companies
9 31 performing manufacturing, installation, service, or repair
9 32 work for such employer to hold licenses while acting within
9 33 the scope of their employment.

9 34 3. Prohibit an owner of property from performing work on
9 35 the owner's principal residence, if such residence is an
10 1 existing dwelling rather than new construction and is not

10 2 larger than a single-family dwelling, or farm property,
10 3 excluding commercial or industrial installations or
10 4 installations in public use buildings or facilities, or
10 5 require such owner to be licensed under this chapter. In
10 6 order to qualify for inapplicability pursuant to this
10 7 subsection, a residence shall qualify for the homestead tax
10 8 exemption. The provisions of this chapter shall also not be
10 9 construed to prohibit an owner or operator of a health care
10 10 facility licensed pursuant to chapter 135C, assisted living
10 11 center licensed pursuant to chapter 231C, hospital licensed
10 12 pursuant to chapter 135B, adult day care center licensed
10 13 pursuant to chapter 231D, or a retirement facility certified
10 14 pursuant to chapter 523D from performing work on the facility
10 15 or require such owner or operator to be licensed under this
10 16 chapter.

10 17 4. Require that any person be a member of a labor union in
10 18 order to be licensed.

10 19 5. Apply to a person who is qualified pursuant to
10 20 administrative rules relating to the storage and handling of
10 21 liquefied petroleum gases while engaged in installing,
10 22 servicing, testing, replacing, or maintaining propane gas
10 23 utilization equipment, or gas piping systems of which the
10 24 equipment is a part, and related or connected accessory
10 25 systems or equipment necessary to the operation of the
10 26 equipment.

10 27 6. Apply to a person who meets the requirements for a
10 28 certified well contractor pursuant to section 455B.190A while
10 29 engaged in installing, servicing, testing, replacing, or
10 30 maintaining a water system, water well, well pump, or well
10 31 equipment, or piping systems of which the equipment is a part,
10 32 and related or connected accessory systems or equipment
10 33 necessary to the operation of the water well.

10 34 7. Require a helper engaged in general manual labor
10 35 activities while providing assistance to an apprentice,
11 1 journeyperson, or master to obtain a plumbing, HVAC,
11 2 refrigeration, or hydronic license. Experience as a helper
11 3 shall not be considered as practical experience for a
11 4 journeyperson license.

11 5 8. Apply to a person who is performing work subject to
11 6 chapter 100C.

11 7 Sec. 12. NEW SECTION. 104C.12 FORM OF LICENSE.

11 8 A plumbing, HVAC, refrigeration, or hydronic license shall
11 9 be in the form of a certificate under the seal of the
11 10 department, signed by the Iowa director of public health, and
11 11 shall be issued in the name of the board. The number of the
11 12 book and page of the registry containing the entry of the
11 13 license in the office of the department shall be noted on the
11 14 face of the license.

11 15 Sec. 13. NEW SECTION. 104C.13 LICENSE PRESUMPTIVE
11 16 EVIDENCE.

11 17 A license issued under this chapter shall be presumptive
11 18 evidence of the right of the holder to practice in this state
11 19 the profession specified.

11 20 Sec. 14. NEW SECTION. 104C.14 DISPLAY OF MASTER LICENSE.

11 21 A person holding a master license under this chapter shall
11 22 keep the license publicly displayed in the primary place in
11 23 which the person practices.

11 24 Sec. 15. NEW SECTION. 104C.15 REGISTRY OF LICENSES.

11 25 The name, location, and number of years of practice of the
11 26 person to whom the license has been issued, the number of the
11 27 certificate, and the date of registration thereof shall be
11 28 entered in a registry kept in the office of the department to
11 29 be known as the plumbing, HVAC, refrigeration, or hydronic
11 30 registry. The registry shall be open to public inspection;
11 31 however, the home address of the licensee shall be
11 32 confidential.

11 33 Sec. 16. NEW SECTION. 104C.16 CHANGE OF RESIDENCE.

11 34 If a person licensed to practice as a plumbing, HVAC,
11 35 refrigeration, or hydronic professional under this chapter
12 1 changes their residence or place of practice, the person shall
12 2 so notify the department.

12 3 Sec. 17. NEW SECTION. 104C.17 PREEMPTION OF LOCAL
12 4 LICENSING REQUIREMENTS.

12 5 1. The provisions of this chapter regarding the licensing
12 6 of plumbing, HVAC, refrigeration, and hydronic professionals
12 7 and contractors shall supersede and preempt all plumbing,
12 8 HVAC, refrigeration, or hydronic licensing provisions of all
12 9 governmental subdivisions. On and after the effective date of
12 10 this Act, all plumbing and mechanical licensing provisions
12 11 promulgated by any governmental subdivision shall be null and
12 12 void, except reciprocal licenses as provided in section

12 13 104C.21, and of no further force and effect, and a
12 14 governmental subdivision may not prohibit a plumbing, HVAC,
12 15 refrigeration, or hydronic professional licensed pursuant to
12 16 this chapter from performing services for which that person is
12 17 licensed pursuant to this chapter.

12 18 2. Nothing in this chapter shall prohibit a governmental
12 19 subdivision from assessing and collecting permit fees or
12 20 inspection fees related to work performed by plumbers and
12 21 mechanical professionals.

12 22 Sec. 18. NEW SECTION. 104C.18 QUALIFICATIONS AND TYPES
12 23 OF LICENSES ISSUED.

12 24 1. GENERAL QUALIFICATIONS. The board shall adopt, by
12 25 rule, general qualifications for licensure. The board may
12 26 consider the past felony record of an applicant only if the
12 27 felony conviction relates directly to the practice of the
12 28 profession for which the applicant requests to be licensed.
12 29 Character references may be required as part of the licensing
12 30 process, but shall not be obtained from licensed members of
12 31 the plumbing or mechanical profession.

12 32 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES.
12 33 The board shall issue separate licenses for plumbing, HVAC,
12 34 refrigeration, and hydronic professionals as follows:

12 35 a. Apprentice license. In order to be licensed by the
13 1 department as an apprentice, a person shall do all of the
13 2 following:

13 3 (1) File an application, which application shall establish
13 4 that the person meets the minimum requirements adopted by the
13 5 board.

13 6 (2) Certify that the person will work under the
13 7 supervision of a licensed journeyman or master in the
13 8 applicable discipline.

13 9 (3) Be enrolled in an applicable apprentice program which
13 10 is registered with the United States department of labor
13 11 office of apprenticeship.

13 12 b. Journeyman license. In order to be licensed by the
13 13 department as a journeyman in the applicable discipline, a
13 14 person shall do all of the following:

13 15 (1) File an application and pay application fees as
13 16 established by the board, which application shall establish
13 17 that the person meets the minimum educational and experience
13 18 requirements adopted by the board.

13 19 (2) Pass the state journeyman licensing examination in
13 20 the applicable discipline.

13 21 (3) Provide the board with evidence of having completed at
13 22 least four years of practical experience as an apprentice.

13 23 c. Master license. In order to be licensed by the
13 24 department as a master, a person shall do all of the
13 25 following:

13 26 (1) File an application and pay application fees as
13 27 established by the board, which application shall establish
13 28 that the person meets the minimum educational and experience
13 29 requirements adopted by the board.

13 30 (2) Pass the state master licensing examination for the
13 31 applicable discipline.

13 32 (3) Provide evidence to the examining board that the
13 33 person has previously been a licensed journeyman in the
13 34 applicable discipline or satisfies all requirements required
13 35 to be licensed as a journeyman in the applicable
14 1 discipline.

14 2 (4) Provide evidence of public liability insurance
14 3 pursuant to section 104C.19.

14 4 3. COMBINED LICENSES. The department may issue single or
14 5 combined licenses to persons who qualify as a master,
14 6 journeyman, or apprentice under any of the disciplines.

14 7 4. WAIVER. Notwithstanding section 17A.9A, the board
14 8 shall waive the written examination requirements set forth in
14 9 this section for a journeyman or master license if the
14 10 applicant meets either of the following requirements:

14 11 a. The applicant meets both of the following requirements:

14 12 (1) The applicant has previously passed a written
14 13 examination which the board deems to be substantially similar
14 14 to the licensing examination otherwise required by the board
14 15 to obtain the applicable license.

14 16 (2) The applicant has completed at least eight classroom
14 17 hours of continuing education in courses or seminars approved
14 18 by the board within the two-year period immediately preceding
14 19 the date of the applicant's license application.

14 20 b. The applicant can demonstrate to the satisfaction of
14 21 the board that the applicant has five or more years of
14 22 experience prior to the effective date of this Act in the
14 23 plumbing, HVAC, refrigeration, or hydronic business, as

14 24 applicable, which experience is of a nature that the board
14 25 deems to be sufficient to demonstrate continuous professional
14 26 competency consistent with that expected of an individual who
14 27 passes the applicable licensing examination which the
14 28 applicant would otherwise be required to pass.

14 29 Sec. 19. NEW SECTION. 104C.19 INSURANCE AND SURETY BOND
14 30 REQUIREMENTS.

14 31 1. An applicant for a master license or renewal of an
14 32 active master license shall provide evidence of a public
14 33 liability insurance policy and surety bond in an amount
14 34 determined sufficient by the board by rule.

14 35 2. If the applicant is engaged in plumbing, HVAC,
15 1 refrigeration, or hydronic work individually through a
15 2 business conducted as a sole proprietorship, the applicant
15 3 shall personally obtain the insurance and surety bond required
15 4 by this section. If the applicant is engaged in the plumbing,
15 5 HVAC, refrigeration, or hydronic business as an employee or
15 6 owner of a legal entity, then the insurance and surety bond
15 7 required by this section shall be obtained by the entity and
15 8 shall cover all plumbing or mechanical work performed by the
15 9 entity.

15 10 3. The insurance and surety bond shall be written by an
15 11 entity licensed to do business in this state and each licensed
15 12 master shall maintain on file with the department a
15 13 certificate evidencing the insurance providing that the
15 14 insurance or surety bond shall not be canceled without the
15 15 entity first giving fifteen days written notice to the
15 16 department.

15 17 Sec. 20. NEW SECTION. 104C.20 RENEWAL AND REINSTATEMENT
15 18 OF LICENSES == FEES AND PENALTIES == CONTINUING EDUCATION.

15 19 1. A license issued pursuant to this chapter shall be
15 20 issued for a term of two years.

15 21 2. A license issued under this chapter may be renewed as
15 22 provided by rule adopted by the board upon application by the
15 23 licensee, without examination. Applications for renewal shall
15 24 be made in writing to the department accompanied by the
15 25 required renewal licensing fee at least thirty days prior to
15 26 the expiration date of the license.

15 27 3. A renewal license shall be displayed in connection with
15 28 the original license.

15 29 4. The department shall notify each licensee by mail at
15 30 least sixty days prior to the expiration of a license.

15 31 5. Failure to renew a license within a reasonable time
15 32 after the expiration of the license shall not invalidate the
15 33 license, but a reasonable penalty may be assessed as adopted
15 34 by rule, in addition to the license renewal fee, to allow
15 35 reinstatement of the license.

16 1 6. A licensee who allows a license to lapse for a period
16 2 of one month or less may reinstate and renew the license
16 3 without examination upon the recommendation of the board and
16 4 upon payment of the applicable renewal and reinstatement fees.

16 5 7. A licensee who allows a license to lapse for a period
16 6 of time greater than one month is required to retake and pass
16 7 the applicable licensing examination in order to obtain
16 8 reinstatement and renewal of that person's license.

16 9 8. The board shall establish continuing education
16 10 requirements pursuant to section 272C.2. The basic continuing
16 11 education requirement for renewal of a license shall be the
16 12 completion, during the immediately preceding license term, of
16 13 the number of classroom hours of instruction required by the
16 14 board in courses or seminars which have been approved by the
16 15 board. The board shall require at least eight classroom hours
16 16 of instruction during each two-year licensing term.

16 17 Sec. 21. NEW SECTION. 104C.21 RECIPROCAL LICENSES.

16 18 The board may license without examination a nonresident
16 19 applicant who is licensed under plumbing, HVAC, refrigeration,
16 20 or hydronic professional licensing statutes of another state
16 21 having similar licensing requirements as those set forth in
16 22 this chapter and the rules adopted under this chapter if the
16 23 other state grants the same reciprocal licensing privileges to
16 24 residents of Iowa who have obtained Iowa plumbing or
16 25 mechanical professional licenses under this chapter. The
16 26 department and the board shall adopt the necessary rules, not
16 27 inconsistent with the law, for carrying out the reciprocal
16 28 relations with other states which are authorized by this
16 29 chapter.

16 30 Sec. 22. NEW SECTION. 104C.22 GROUNDS FOR DENIAL,
16 31 REVOCATION, OR SUSPENSION OF LICENSE.

16 32 A license to practice as a plumbing, HVAC, refrigeration,
16 33 or hydronic professional may be revoked or suspended, or an
16 34 application for licensure may be denied pursuant to procedures

16 35 established pursuant to chapter 272C by the board, or the
17 1 licensee may be otherwise disciplined in accordance with that
17 2 chapter, when the licensee commits any of the following acts
17 3 or offenses:
17 4 1. Fraud in procuring a license.
17 5 2. Professional incompetence.
17 6 3. Knowingly making misleading, deceptive, untrue, or
17 7 fraudulent misrepresentations in the practice of the
17 8 profession or engaging in unethical conduct or practice
17 9 harmful or detrimental to the public. Proof of actual injury
17 10 need not be established.
17 11 4. Conviction of a felony related to the profession or
17 12 occupation of the licensee or the conviction of any felony
17 13 that would affect the licensee's ability to practice within
17 14 the profession. A copy of the record or conviction or plea of
17 15 guilty shall be conclusive evidence of such conviction.
17 16 5. Fraud in representations as to skill or ability.
17 17 6. Use of untruthful or improbable statements in
17 18 advertisements.
17 19 7. Willful or repeated violations of this chapter.
17 20 8. Aiding and abetting a person who is not licensed
17 21 pursuant to this chapter in that person's pursuit of an
17 22 unauthorized and unlicensed plumbing, HVAC, refrigeration, or
17 23 hydronic professional practice.
17 24 9. Failure to meet the commonly accepted standards of
17 25 professional competence.
17 26 10. Any other such grounds as established by rule by the
17 27 board.

17 28 Sec. 23. NEW SECTION. 104C.23 JURISDICTION OF REVOCATION
17 29 AND SUSPENSION PROCEEDINGS.

17 30 The board shall have exclusive jurisdiction of all
17 31 proceedings to revoke or suspend a license issued pursuant to
17 32 this chapter. The board may initiate proceedings under this
17 33 chapter or chapter 272C, following procedures set out in
17 34 section 272C.6, either on its own motion or on the complaint
17 35 of any person. Before scheduling a hearing, the board may
18 1 request the department to conduct an investigation into the
18 2 charges to be addressed at the board hearing. The department
18 3 shall report its findings to the board. The board, in
18 4 connection with a proceeding under this chapter, may issue
18 5 subpoenas to compel attendance and testimony of witnesses and
18 6 the disclosure of evidence, and may request the attorney
18 7 general to bring an action to enforce the subpoena.

18 8 Sec. 24. NEW SECTION. 104C.24 NOTICE AND DEFAULT.

18 9 1. A written notice stating the nature of the charge or
18 10 charges against a licensee and the time and place of the
18 11 hearing before the board on the charges shall be served on the
18 12 licensee not less than thirty days prior to the date of
18 13 hearing either personally or by mailing a copy by certified
18 14 mail to the last known address of the licensee.

18 15 2. If, after having been served with the notice of
18 16 hearing, the licensee fails to appear at the hearing, the
18 17 board may proceed to hear evidence against the licensee and
18 18 may enter such order as is justified by the evidence.

18 19 Sec. 25. NEW SECTION. 104C.25 ADVERTISING == VIOLATIONS
18 20 == PENALTIES.

18 21 1. Only a person who is duly licensed pursuant to this
18 22 chapter may advertise the fact that the person is licensed as
18 23 a plumbing, HVAC, refrigeration, or hydronic professional by
18 24 the state of Iowa.

18 25 2. All written advertisements distributed in this state by
18 26 a person who is engaged in the business of designing,
18 27 installing, or repairing plumbing, HVAC, refrigeration, or
18 28 hydronic systems shall include the listing of at least one
18 29 master license number, as applicable. A master plumbing,
18 30 HVAC, refrigeration, or hydronic professional shall not allow
18 31 the master's license number to be used in connection with the
18 32 advertising for more than one person engaged in the business
18 33 of designing, installing, or repairing plumbing, HVAC,
18 34 refrigeration, or hydronic systems.

18 35 3. A person who fraudulently claims to be a licensed
19 1 plumbing, HVAC, refrigeration, or hydronic professional
19 2 pursuant to this chapter, either in writing, cards, signs,
19 3 circulars, advertisements, or other communications, is guilty
19 4 of a simple misdemeanor.

19 5 4. A person who fraudulently lists a master plumbing,
19 6 HVAC, refrigeration, or hydronic license number in connection
19 7 with that person's advertising or falsely displays a master
19 8 plumbing, HVAC, refrigeration, or hydronic professional
19 9 license number is guilty of a simple misdemeanor. In order to
19 10 be entitled to use a license number of a master plumbing,

19 11 HVAC, refrigeration, or hydronic professional, the master
19 12 plumbing, HVAC, refrigeration, or hydronic professional must
19 13 be employed by the person in whose name the business of
19 14 designing, installing, or repairing plumbing or mechanical
19 15 systems is being conducted.

19 16 Sec. 26. NEW SECTION. 104C.26 INJUNCTION.

19 17 A person engaging in any business or in the practice of any
19 18 profession for which a license is required by this chapter
19 19 without such license may be restrained by injunction.

19 20 Sec. 27. NEW SECTION. 104C.27 CIVIL PENALTY.

19 21 1. In addition to any other penalties provided for in this
19 22 chapter, the board may, by order, impose a civil penalty upon
19 23 a person violating any provision of this chapter. Each day of
19 24 a continued violation constitutes a separate offense, except
19 25 that offenses resulting from the same or common facts or
19 26 circumstances shall be considered a single offense. Before
19 27 issuing an order under this section, the board shall provide
19 28 the person written notice and the opportunity to request a
19 29 hearing on the record. The hearing must be requested within
19 30 thirty days of the issuance of the notice.

19 31 2. A person aggrieved by the imposition of a civil penalty
19 32 under this section may seek judicial review in accordance with
19 33 section 17A.19.

19 34 3. If a person fails to pay a civil penalty within thirty
19 35 days after entry of an order under subsection 1, or if the
20 1 order is stayed pending an appeal within ten days after the
20 2 court enters a final judgment in favor of the board, the board
20 3 shall notify the attorney general. The attorney general may
20 4 commence an action to recover the amount of the penalty,
20 5 including reasonable attorney fees and costs.

20 6 4. An action to enforce an order under this section may be
20 7 joined with an action for an injunction.

20 8 Sec. 28. NEW SECTION. 104C.28 ENFORCEMENT.

20 9 The department shall enforce the provisions of this chapter
20 10 and for that purpose may request the department of inspections
20 11 and appeals to make necessary investigations. Every licensee
20 12 and member of the board shall furnish the department or the
20 13 department of inspections and appeals such evidence as the
20 14 licensee or member may have relative to any alleged violation
20 15 which is being investigated.

20 16 Sec. 29. NEW SECTION. 104C.29 REPORT OF VIOLATORS.

20 17 Every licensee and every member of the board shall report
20 18 to the department the name of every person who is practicing
20 19 as a plumber or mechanical professional without a license
20 20 issued pursuant to this chapter pursuant to the knowledge or
20 21 reasonable belief of the person making the report. The
20 22 opening of an office or place of business for the purpose of
20 23 providing any services for which a license is required by this
20 24 chapter, the announcing to the public in any way the intention
20 25 to provide any such service, the use of any professional
20 26 designation, or the use of any sign, card, circular, device,
20 27 vehicle, or advertisement, as a provider of any such services
20 28 shall be prima facie evidence of engaging in the practice of a
20 29 plumber or mechanical professional.

20 30 Sec. 30. NEW SECTION. 104C.30 ATTORNEY GENERAL.

20 31 Upon request of the department, the attorney general shall
20 32 institute in the name of the state the proper proceedings
20 33 against any person charged by the department with violating
20 34 any provision of this chapter.

20 35 Sec. 31. Section 272C.1, subsection 6, Code 2007, is
21 1 amended by adding the following new paragraph:

21 2 NEW PARAGRAPH. ae. The plumbing and mechanical systems
21 3 examining board, created pursuant to chapter 104C.

21 4 Sec. 32. Section 272C.3, subsection 2, paragraph a, Code
21 5 2007, is amended to read as follows:

21 6 a. Revoke a license, or suspend a license either until
21 7 further order of the board or for a specified period, upon any
21 8 of the grounds specified in section 104C.22, 147.55, 148.6,
21 9 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,
21 10 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151
21 11 or 155, as applicable, or upon any other grounds specifically
21 12 provided for in this chapter for revocation of the license of
21 13 a licensee subject to the jurisdiction of that board, or upon
21 14 failure of the licensee to comply with a decision of the board
21 15 imposing licensee discipline;

21 16 Sec. 33. Section 272C.4, subsection 6, Code 2007, is
21 17 amended to read as follows:

21 18 6. Define by rule acts or omissions that are grounds for
21 19 revocation or suspension of a license under section 104C.22,
21 20 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
21 21 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or

21 22 602.3203 or chapter 151 or 155, as applicable, and to define
21 23 by rule acts or omissions that constitute negligence, careless
21 24 acts, or omissions within the meaning of section 272C.3,
21 25 subsection 2, paragraph "b", which licensees are required to
21 26 report to the board pursuant to section 272C.9, subsection 2;
21 27 Sec. 34. Section 272C.5, subsection 2, paragraph c, Code
21 28 2007, is amended to read as follows:
21 29 c. Shall state whether the procedures are an alternative
21 30 to or an addition to the procedures stated in sections 104C.23
21 31 and 104C.24, 147.58 through 147.71, 148.6 through 148.9,
21 32 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35,
21 33 543B.36, and 544B.16.
21 34 Sec. 35. EFFECTIVE DATE. This Act takes effect July 1,
21 35 2008.

22 1
22 2
22 3
22 4
22 5
22 6
22 7

PATRICK J. MURPHY
Speaker of the House

22 8
22 9
22 10
22 11

JOHN P. KIBBIE
President of the Senate

22 12 I hereby certify that this bill originated in the House and
22 13 is known as House File 908, Eighty-second General Assembly.

22 14
22 15
22 16

MARK BRANDSGARD
Chief Clerk of the House

22 17
22 18
22 19
22 20
22 21

Approved _____, 2007

22 22
22 23
22 24

CHESTER J. CULVER
Governor