

3/20/95 Referred to Ways & Means

FILED MAR 7 1995

SENATE FILE 260
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 152)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the certification of plumbers and heat,
2 ventilation, and air conditioning professionals, and
3 establishing fees and penalties, and providing for the use of
4 such fees.

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

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S.F. 260

1 Section 1. NEW SECTION. 104C.1 DEFINITIONS.

2 For purposes of this section, unless the context otherwise
3 requires:

4 1. "Department" means the Iowa department of public
5 health.

6 2. "HVAC" means heating, ventilation, and air
7 conditioning.

8 Sec. 2. NEW SECTION. 104C.2 DEPARTMENT DUTIES.

9 The department shall adopt rules for all of the following:

10 1. For the examination of applicants for certification
11 pursuant to this chapter.

12 2. For the approval of an examination for certification
13 which satisfies the requirements as established by the
14 department and which is offered by a municipality to a plumber
15 or HVAC professional, which upon successful completion will
16 result in such plumber or HVAC professional being certified.

17 3. Establishing criteria for continuing education, which
18 shall include sixteen hours of continuing education
19 instruction during the two-year period of certification.

20 4. Maintaining a registry for all certified plumbers and
21 HVAC professionals.

22 5. Establishing fees sufficient for the administration of
23 this chapter.

24 Sec. 3. NEW SECTION. 104C.3 VOLUNTARY CERTIFICATION --
25 REGISTRATION -- CONTINUING EDUCATION.

26 1. A plumber or HVAC professional may apply to take an
27 examination for certification under this chapter. The
28 application may be made to the department or to a municipality
29 offering an examination which has been approved by the
30 department. Upon successful completion of the examination by
31 the applicant the department shall enter the applicant's name
32 on the registry and issue a certificate to the applicant
33 indicating that the applicant has successfully completed the
34 examination and is certified to install and repair plumbing or
35 HVAC systems.

1 2. A certification pursuant to this chapter expires two
2 years from the date issued. The certification may be renewed
3 as determined by the department upon application by the
4 certificate holder, without examination. Application for
5 renewal shall be made in writing to the department accompanied
6 by the required renewal certification fee at least thirty days
7 prior to the expiration date of the certificate. The
8 application shall include the continuing education programs
9 which the applicant attended during the previous two-year
10 period.

11 3. A plumber or HVAC professional who successfully
12 completes the examination and is certified pursuant to this
13 chapter shall not be required to take any other examination in
14 this state, which is offered by another municipality, to be
15 able to engage in the installation and repair of plumbing or
16 HVAC systems in that municipality.

17 Sec. 4. NEW SECTION. 104C.4 PROHIBITED ACT -- PENALTY.

18 A person shall not advertise or hold oneself out to the
19 public as a certified plumber or certified HVAC professional
20 unless the person is certified pursuant to this chapter. A
21 person who falsely claims to be a certified plumber or
22 certified HVAC professional pursuant to this chapter, either
23 in writing or in other communications, is guilty of a simple
24 misdemeanor.

25 EXPLANATION

26 This bill creates a new chapter 104C relating to the
27 voluntary certification of plumbers and heat, ventilation, and
28 air conditioning (HVAC) professionals.

29 New section 104C.1 establishes definitions for terms used
30 in the chapter.

31 New section 104C.2 directs the department of public health
32 to adopt rules for the examination of applicants for
33 certification, approval of examinations to be given for
34 certification, establishment of criteria for continuing
35 education, establishment of a registry, and for establishing

1 fees.

2 New section 104C.3 provides that certification under this
3 chapter is voluntary. The section provides that a
4 certification granted under the chapter expires after two
5 years. The section also provides that a plumber or HVAC
6 professional who successfully completes an examination and is
7 certified under this chapter shall not be required to take any
8 other exam in this state.

9 New section 104C.4 provides that a person who advertises or
10 holds oneself out to the public as a certified plumber or
11 certified HVAC professional, and who is not certified, is
12 guilty of a simple misdemeanor.

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**SENATE FILE 260
FISCAL NOTE**

A fiscal note for Senate File 260 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 260 provides for voluntary certification of plumbers; and heat, ventilation, and air conditioning professionals through administration of the Department of Public Health, providing fees and penalties.

ASSUMPTIONS

1. Rules would be effective March 1996.
2. Initial staffing would require an administrative assistant effective January 1, 1996.
3. The fees established are to be sufficient to cover the costs of administration.
4. Initial certification assumes 650 certifications, 150 tested and certified in FY 1996 and 500 in FY 1997.
5. Testing will be contracted to a national testing firm. Revenue from testing is not included in the estimate.
6. Cities currently examining will delegate to the Department of Public Health by January 1, 1997.

FISCAL IMPACT

SF 260 would require \$30,000 for salaries and support in the first year of legislation. Salaries and support in the second year would be \$41,000. Fees from certified professionals would cover the cost of administration.

There would be no fiscal impact to the State General Fund.

SOURCE: Department of Public Health

(LSB 1448sv.2, MME)

FILED MARCH 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

Fink
Gronstal
McHaren

SSB-152
State Government

Succeeded By
SF/HF
SENATE FILE 260

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON GRONSTAL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the certification of plumbers and heat,
2 ventilation, and air conditioning professionals, and
3 establishing fees and penalties, and providing for the use of
4 such fees.

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

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

2 This chapter may be cited as the "Iowa Plumber and HVAC
3 Professional Certification Act".

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

5 For the purpose of this chapter, unless the context
6 otherwise requires:

7 1. "Department" means the Iowa department of public
8 health.

9 2. "Examining board" means the state plumbing and HVAC
10 examining board as established in section 104C.17.

11 3. "HVAC" means heating, ventilation, and air
12 conditioning.

13 4. "HVAC professional's apprentice" means an individual,
14 other than a journeyman or master HVAC professional, who, as a
15 principal occupation, is engaged in working as an employee of
16 a HVAC contractor under the immediate and personal supervision
17 of either a master HVAC professional or a journeyman HVAC
18 professional and is learning and assisting in the design,
19 installation, and repair of HVAC systems.

20 5. "Journeyman HVAC professional" means an individual,
21 other than a master HVAC professional, who, as a principal
22 occupation, is engaged as an employee of, or otherwise working
23 under the direction of, a master HVAC professional in the
24 design, installation, and repair of HVAC systems.

25 6. "Journeyman plumber" means an individual, other than a
26 master plumber, who, as a principal occupation, is engaged as
27 an employee of, or otherwise working under the direction of, a
28 master plumber in the design, installation, and repair of
29 plumbing.

30 7. "Master HVAC professional" means an individual skilled
31 in the planning, superintending, and the design, installation,
32 and repair of HVAC systems, lawfully qualified to conduct the
33 business of an HVAC professional, and knowledgeable about the
34 laws and rules governing such business.

35 8. "Master plumber" means an individual skilled in the

1 planning, superintending, and the design, installation, and
2 repair of plumbing, lawfully qualified to conduct the business
3 of plumbing, and knowledgeable about the laws and rules
4 governing such business.

5 9. "Plumber's apprentice" means an individual, other than
6 a journeyman or master plumber, who, as a principal
7 occupation, is engaged in working as an employee of a plumbing
8 contractor under the immediate and personal supervision of
9 either a master plumber or a journeyman plumber, and who is
10 learning and assisting in the design, installation, and repair
11 of plumbing.

12 10. "Political subdivision" means a city or county, or any
13 combination of cities or counties.

14 11. "Uniform mechanical code" means the code of rules
15 governing the design, installation, and repair of HVAC systems
16 as promulgated by the international association of plumbing
17 and mechanical officials.

18 12. "Uniform plumbing code" means the code of rules
19 governing the design, installation, and repair of plumbing
20 systems as promulgated by the international association of
21 plumbing and mechanical officials.

22 Sec. 3. NEW SECTION. 104C.3 CERTIFICATION REQUIRED.

23 1. Except as provided in section 104C.4, a person shall
24 not engage in the business of installing or repairing plumbing
25 or HVAC systems, including all fuel oil, natural gas, propane,
26 or other component lines associated with any component of a
27 plumbing or HVAC system, unless at all times a certified
28 master plumber or certified master HVAC professional, as
29 applicable, is employed by the person and is responsible for
30 such design, installation, and repair work of the person. An
31 individual who performs such work as a sole proprietor must be
32 a certified master plumber or a certified master HVAC
33 professional, as applicable.

34 2. A public utility, as defined in section 476.1, which
35 engages in the business of selling, servicing, or installing

1 plumbing, heating, or cooling systems shall establish a
2 separate affiliate business entity for the purpose of engaging
3 in such business.

4 Sec. 4. NEW SECTION. 104C.4 EXEMPTIONS FROM
5 CERTIFICATION REQUIREMENT.

6 The certification requirement of section 104C.3 does not
7 apply to any of the following:

8 1. An owner-occupant of an existing single dwelling house,
9 with the assistance of any member of the owner-occupant's
10 family and household, who personally performs any work
11 governed by the uniform mechanical code or uniform plumbing
12 code in the house and who does all of the following:

13 a. Obtain any necessary permit for the work.

14 b. Perform all work so that the work fully complies with
15 the provisions of the uniform mechanical code or the uniform
16 plumbing code, as appropriate.

17 c. Have the completed project inspected by a certified
18 inspector of the appropriate political subdivision.

19 2. Persons who are licensed mobile home dealers or are
20 employees of licensed mobile home dealers with respect to the
21 design or installation of plumbing or HVAC services related to
22 the installation of a mobile home.

23 Sec. 5. NEW SECTION. 104C.5 QUALIFICATIONS.

24 An applicant for a plumbing, HVAC, or combined
25 certification is not ineligible because of age, citizenship,
26 sex, race, religion, marital status, or national origin,
27 although the application form may require citizenship
28 information. The examining board may consider the applicant's
29 criminal record if the applicant has been convicted of any
30 felony which relates directly to the practice of the
31 profession for which the applicant requests to be certified.
32 Character references may be required as part of the
33 certification process, but shall not be obtained from a
34 certified plumber or HVAC professional.

35 Sec. 6. NEW SECTION. 104C.6 FORM OF CERTIFICATION --

1 DISPLAY.

2 1. A certificate granted under this chapter shall be in
3 the form of a certificate under the seal of the department,
4 signed by the director of public health, and shall be issued
5 in the name of the examining board. The number of the book
6 and page containing the entry of the certification in the
7 office of the department shall be noted on the face of the
8 certification. Additionally, the department shall issue to
9 each person certified under this chapter an identification
10 card which includes a photograph of the certificate holder,
11 designates the certificates held by the person, and sets forth
12 the expiration dates of such certificates.

13 2. A person certified under this chapter as a plumbing or
14 HVAC professional shall keep the certificate publicly
15 displayed at the person's principal place of business. An
16 identification card issued pursuant to this section must be in
17 the possession of the individual at all times that the
18 individual is performing work pursuant to the certificate.

19 Sec. 7. NEW SECTION. 104C.7 RECORD OF CERTIFICATES.

20 The name, location, number of years of practice of the
21 person to whom the certificate has been issued, the number of
22 the certificate, and the date of registration of the
23 certificate shall be recorded and kept in the office of the
24 department to be known as the plumbing and HVAC registry,
25 which shall be open to public inspection.

26 Sec. 8. NEW SECTION. 104C.8 CHANGE OF RESIDENCE.

27 A person certified to practice as a plumbing or HVAC
28 professional under this chapter who changes the person's
29 residence or place of business shall notify the department and
30 local certification jurisdiction of the change.

31 Sec. 9. NEW SECTION. 104C.9 TYPES OF CERTIFICATES
32 ISSUED.

33 1. PLUMBING CERTIFICATES. The following plumbing
34 certificates may be issued by the department:

35 a. Plumber's apprentice. In order to be certified by the

1 department as a plumber's apprentice, a person shall do all of
2 the following:

3 (1) File an application form and pay an application fee as
4 established by the examining board, which application must
5 establish that the person meets the minimum requirements
6 adopted by the examining board.

7 (2) Certify that the person shall work directly under the
8 supervision of a certified journeyman plumber or master
9 plumber.

10 (3) Be enrolled in a plumber's apprentice program which is
11 registered with the United States department of labor, bureau
12 of apprenticeship training.

13 b. Journeyman plumber. In order to be certified by the
14 department as a journeyman plumber, a person shall do all of
15 the following:

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

20 (2) Pass the state journeyman plumber certification
21 examination.

22 (3) Provide the examining board with evidence of having
23 completed at least four years of practical plumbing
24 experience. After January 1, 1999, all four years of
25 practical plumbing experience shall be required to have been
26 practical plumbing experience gained as a result of being a
27 certified plumber's apprentice.

28 c. Master plumber. In order to be certified by the
29 department as a master plumber, a person shall do all of the
30 following:

31 (1) File an application and pay an application fee as
32 established by the examining board, which application must
33 establish that the person meets the minimum educational and
34 experience requirements adopted by the examining board.

35 (2) Pass the state master plumber certification

1 examination.

2 (3) Have previously been a certified journeyman plumber or
3 must provide evidence to the examining board that the person
4 satisfies all requirements required to be certified as a
5 journeyman plumber.

6 (4) Provide the person's state registration number for
7 contracting.

8 2. HVAC PROFESSIONAL CERTIFICATES. The following HVAC
9 professional certificates may be issued by the department:

10 a. HVAC professional's apprentice. In order to be
11 certified by the department as an HVAC professional's
12 apprentice, a person shall do all of the following:

13 (1) File an application form and pay an application fee as
14 established by the examining board, which application must
15 establish that the person meets the minimum requirements
16 adopted by the examining board.

17 (2) Certify that the person shall work directly under the
18 supervision of a certified journeyman HVAC professional or
19 master HVAC professional.

20 (3) Be enrolled in an HVAC professional's apprentice
21 program which is registered with the United States department
22 of labor bureau of apprenticeship training.

23 b. Journeyman HVAC professional. In order to be certified
24 by the department as a journeyman HVAC professional, a person
25 shall do all of the following:

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

30 (2) Pass the state journeyman HVAC professional
31 certification examination.

32 (3) Provide the examining board with evidence of having
33 completed at least four years of practical HVAC experience.

34 After January 1, 1999, all four years of practical HVAC
35 experience shall be required to have been practical HVAC

1 experience gained as a result of being a certified HVAC
2 professional's apprentice.

3 c. Master HVAC professional. In order to be certified by
4 the department as a master HVAC professional, a person shall
5 do all of the following:

6 (1) File an application and pay an application fee as
7 established by the examining board, which application must
8 establish that the person meets the minimum educational and
9 experience requirements adopted by the examining board.

10 (2) Pass the state master HVAC professional certification
11 examination.

12 (3) Have previously been a certified journeyman HVAC
13 professional or must provide evidence to the examining board
14 that the person satisfies all requirements required to be
15 certified as a journeyman HVAC professional.

16 3. COMBINED PLUMBING AND HVAC PROFESSIONAL CERTIFICATIONS.

17 The department may issue a combined certificate to persons who
18 qualify for both a master plumber and master HVAC professional
19 certificate, both a journeyman plumber and journeyman HVAC
20 professional certificate, or both a plumber's apprentice and
21 HVAC professional's apprentice certificate. Alternatively, a
22 person may be certified by the department at one plumber level
23 and at a different HVAC professional level contemporaneously.

24 4. WAIVER OF TESTING REQUIREMENTS. The examining board
25 may waive the written examination requirements set forth in
26 this section for journeyman and master certificates if either
27 paragraph "a" or "b" applies.

28 a. The applicant meets both of the following:

29 (1) Has previously passed a written examination which the
30 examining board deems to be substantially similar to the
31 certification examination otherwise required by the examining
32 board to obtain the subject certificate.

33 (2) Has completed sixteen or more classroom hours of
34 continuing education instruction in courses or seminars which
35 have received the approval of the examining board within the

1 two-year period immediately preceding the date of the
2 submittal of the applicant's certification application.

3 b. The applicant meets both of the following:

4 (1) Can demonstrate to the satisfaction of the examining
5 board that the applicant has five or more years of experience
6 prior to the effective date of this chapter, in the plumbing
7 or HVAC business, or both combined, which experience must be
8 of a nature which the examining board deems to be sufficient
9 to demonstrate continuous professional competency consistent
10 with that expected of an individual who passes the applicable
11 certification examination which the applicant would otherwise
12 be required to pass.

13 (2) Has completed sixteen or more classroom hours of
14 continuing education instruction in courses or seminars which
15 have received the approval of the examining board within the
16 two-year period immediately preceding the date of the
17 submittal of the applicant's certification application.

18 Sec. 10. NEW SECTION. 104C.10 INSURANCE REQUIREMENTS.

19 1. A contractor with a master plumber certificate or
20 master HVAC professional certificate, or a renewal of such
21 certificate, shall furnish proof of financial responsibility
22 by showing the existence of a liability insurance policy,
23 including products liability, providing coverage in an amount
24 of not less than five hundred thousand dollars.

25 2. If the applicant is engaged in plumbing or HVAC
26 professional work individually through a sole proprietorship,
27 the applicant shall personally obtain the insurance required
28 by this section. If the applicant is otherwise engaged in the
29 plumbing or HVAC business, the applicant shall provide proof
30 of insurance coverage by the business.

31 3. The insurance shall be written by an insurer authorized
32 to engage in the business of insurance in this state and each
33 certified master plumber and certified master HVAC
34 professional shall maintain on file with the department a
35 certificate evidencing the insurance providing that the

1 insurance shall not be canceled without the insurer first
2 giving fifteen days written notice to the department.

3 4. The requirements of this section do not apply to either
4 of the following:

5 a. An individual or a contractor with a master plumber
6 certificate provided that the individual or contractor does
7 not engage in or contract for any plumbing work, except work
8 performed as a certified inspector for a political
9 subdivision.

10 b. An individual or a contractor with a master HVAC
11 professional certificate provided that the individual or
12 contractor does not engage in or contract for any mechanical
13 or HVAC work, except work performed as a certified inspector
14 for a political subdivision.

15 Sec. 11. NEW SECTION. 104C.11 RENEWAL OF CERTIFICATES.

16 1. A certificate issued under this chapter expires two
17 years from the date issued.

18 2. A certificate issued under this chapter may be renewed
19 as determined by the examining board upon application by the
20 certificate holder, without examination. Application for
21 renewal shall be made in writing to the department accompanied
22 by the required renewal certification fee at least thirty days
23 prior to the expiration date of the certificate.

24 3. The latest renewal certificate shall be displayed in
25 connection with the original certificate.

26 4. The department shall notify each certificate holder by
27 mail prior to the expiration of a certificate.

28 5. A plumbing or HVAC inspector currently employed by a
29 political subdivision shall receive a certificate, and any
30 renewal certificates, at no charge during the time of the
31 inspector's employment with the political subdivision.

32 6. A certificate holder who allows a certificate to lapse
33 for a period of one month or less, may reinstate and renew the
34 certificate without examination in accordance with
35 requirements adopted by the examining board and upon payment

1 of the renewal and reinstatement fees due.

2 7. A certificate holder who allows a certificate to lapse
3 by a period of time greater than one month is required to
4 retake and pass the applicable certification examination in
5 order to obtain reinstatement and renewal of the person's
6 certificate.

7 Sec. 12. NEW SECTION. 104C.12 RECIPROCAL CERTIFICATION.

8 The department may certify without examination nonresident
9 applicants who are certified under a plumbing or HVAC
10 professional certification statute of another state having
11 similar certification requirements as those set forth in this
12 chapter and the rules adopted pursuant to this chapter if the
13 other state grants the same reciprocal certification
14 privileges to residents of Iowa who have obtained a
15 certificate under this chapter.

16 Sec. 13. NEW SECTION. 104C.13 GROUNDS FOR CERTIFICATE
17 REVOCATION, SUSPENSION, OR DENIAL.

18 A certificate to practice as a plumber or HVAC professional
19 may be revoked, suspended, or denied by the examining board,
20 or a certificate holder may be otherwise disciplined in
21 accordance with this chapter, if the certificate holder is
22 guilty of any of the following:

23 1. Fraud in procuring a certificate.

24 2. Professional incompetency.

25 3. Knowingly making misleading, deceptive, untrue, or
26 fraudulent misrepresentations in the practice of the
27 profession or engaging in unethical conduct or practice
28 harmful or detrimental to the public, whether or not any
29 injury results.

30 4. Conviction of a felony related to the profession of the
31 certificate holder or the conviction of any felony that would
32 affect the certificate holder's ability to practice within the
33 profession. A copy of the record of conviction or plea of
34 guilty is conclusive evidence of such conviction.

35 5. Fraud in representations as to skill and ability.

1 6. Use of untruthful or improbable statements in
2 advertisements.

3 7. Willful or repeated violations of this chapter.

4 8. Aiding and abetting a person who is not certified
5 pursuant to this chapter in that person's pursuit of an
6 unauthorized or uncertified plumbing or HVAC professional
7 practice.

8 9. Any other such grounds or reasons as established by
9 rule adopted by the examining board.

10 Sec. 14. NEW SECTION. 104C.14 JURISDICTION OF REVOCATION
11 AND SUSPENSION PROCEEDINGS.

12 The examining board shall have exclusive jurisdiction of
13 all proceedings to revoke or suspend a certificate issued
14 pursuant to this chapter. The examining board may initiate
15 proceedings under this chapter either on its own motion or on
16 the complaint of any person. Before scheduling a hearing, the
17 examining board may request the department to conduct an
18 investigation into the charges to be addressed at the
19 examining board hearing. The department shall report its
20 findings to the examining board.

21 Sec. 15. NEW SECTION. 104C.15 NOTICE -- DEFAULT --
22 HEARING.

23 1. The examining board shall provide for notice and
24 hearing pursuant to chapter 17A.

25 2. If, after having been served with the notice of
26 hearing, the certificate holder fails to appear at the hearing
27 and defend, the examining board may proceed to hear evidence
28 against the certificate holder and may enter such order as is
29 justified by the evidence.

30 3. A decision of the examining board shall be by a
31 majority vote of its members. The decision of the examining
32 board shall be entered of record and, if the decision involves
33 the revocation or suspension of a certificate, the certificate
34 holder shall not engage in the practice of the certificate
35 holder's profession after the certificate is revoked or during

1 the time for which it is suspended.

2 4. Judicial review of the board's action may be sought in
3 accordance with chapter 17A.

4 Sec. 16. NEW SECTION. 104C.16 ADVERTISING.

5 1. A person shall not advertise or hold oneself out to the
6 public as a certified plumber or certified HVAC professional
7 unless such person is certified pursuant to this chapter.

8 2. All advertisements distributed within this state by a
9 person who is engaged in the business of designing,
10 installing, or repairing plumbing or HVAC systems must include
11 the listing of at least one master plumber or master HVAC
12 professional certificate number, as applicable. A master
13 plumber or a master HVAC professional shall not allow the use
14 of such certificate number in connection with the advertising
15 of more than one person engaged in the business of designing,
16 installing, or repairing plumbing or HVAC systems.

17 3. A person who engages in the business of designing,
18 installing, or repairing plumbing or HVAC systems must display
19 at least one master plumber certificate or master HVAC
20 professional certificate number, as applicable, on all of the
21 person's motor vehicles.

22 4. A person who falsely claims to be a certified plumber
23 or certified HVAC professional pursuant to this chapter,
24 either in writing or in other communications, is guilty of a
25 simple misdemeanor.

26 5. A person who falsely lists a master plumber or master
27 HVAC professional certificate number in connection with that
28 person's advertising, or falsely displays a master plumber or
29 master HVAC professional certificate number on that person's
30 service vehicles is guilty of a simple misdemeanor. In order
31 to be entitled to use a certificate number of a master plumber
32 or master HVAC professional, the master plumber or master HVAC
33 professional must be employed by the person in whose name the
34 business of designing, installing, or repairing plumbing or
35 HVAC systems is being conducted.

1 Sec. 17. NEW SECTION. 104C.17 STATE PLUMBING AND HVAC
2 EXAMINING BOARD.

3 1. A state plumbing and HVAC professional examining board
4 is created for the purpose of giving examinations to
5 applicants for plumbing and HVAC professional certification
6 and for the other purposes set forth in this chapter. Members
7 of the examining board shall be appointed by the governor,
8 subject to confirmation by the senate, and shall be
9 representative of all areas of the state.

10 2. The examining board shall consist of ten voting members
11 as follows:

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

14 b. Two public members who do not possess certificates
15 issued under this chapter and who represent the general
16 public.

17 c. An HVAC inspector employed by a political subdivision
18 to perform HVAC inspections and who is qualified by a
19 certification body recognized by the board.

20 d. A plumbing inspector employed by a political
21 subdivision to perform plumbing inspections and who is
22 qualified by a certification body recognized by the board.

23 e. An architect registered pursuant to chapter 544A or a
24 professional engineer registered pursuant to chapter 542B.

25 f. An individual certified as a journeyman plumber
26 pursuant to this chapter.

27 g. An individual certified as a master plumber pursuant to
28 this chapter.

29 h. An individual certified as a journeyman HVAC
30 professional pursuant to this chapter.

31 i. An individual certified as a master HVAC professional
32 pursuant to this chapter.

33 3. The terms of the two members appointed under subsection
34 2, paragraphs "f" and "g", shall expire on the same date, and
35 one of such members shall at all times while serving on the

1 examining board be affiliated with a labor union and one shall
2 at all times while serving on the examining board not be
3 affiliated with a labor union. The terms of the two members
4 appointed pursuant to subsection 2, paragraphs "h" and "i",
5 shall expire on the same date, and one of such members shall
6 at all times while serving on the examining board be
7 affiliated with a labor union and one shall at all times while
8 serving on the examining board not be affiliated with a labor
9 union.

10 4. Members shall serve three-year staggered terms as
11 designated by the governor consistent with this section and
12 appointments to the board are subject to the requirements of
13 sections 69.16, 69.16A, and 69.19. A member of the examining
14 board shall serve no more than three full terms, or nine
15 years.

16 5. A quorum shall consist of a majority of the members of
17 the examining board.

18 6. Any vacancy in the membership of the examining board
19 shall be filled in the same manner as provided for other
20 appointments.

21 7. Members shall elect a chairperson and vice chairperson
22 annually and other officers as they determine.

23 8. Members of the examining board shall receive a per diem
24 as specified in section 7E.6 for each day spent in performance
25 of duties as members and shall be reimbursed for all actual
26 and necessary expenses incurred in the performance of duties
27 as members.

28 9. If a person who has been appointed by the governor to
29 serve on the examining board has ever been disciplined in a
30 contested case by the examining board, all examining board
31 complaints and statements of charges, settlement agreements,
32 findings of fact, and orders pertaining to the disciplinary
33 action shall be made available to the senate committee to
34 which the appointment is referred at the committee's request
35 before confirmation by the senate.

1 Sec. 18. NEW SECTION. 104C.18 EXAMINATION INFORMATION.

2 1. The public members of the examining board shall be
3 allowed to participate in administrative, clerical, and
4 ministerial functions incident to giving examinations, but
5 shall not participate in the examining board's determination
6 of the contents of the examinations or the correctness of
7 answers to the examinations. A member of the examining board
8 shall not disclose information relating to any of the
9 following:

- 10 a. Criminal history or prior misconduct of an applicant.
11 b. Information relating to the contents of an examination.
12 c. Information relating to an examination result other
13 than final score except for information about the results of
14 an examination which is given to the person who took the
15 examination.

16 2. A member of the examining board who willfully
17 communicates, or seeks to communicate, such information to any
18 person who willfully requests, obtains, or seeks to obtain
19 such information, is guilty of a simple misdemeanor.

20 Sec. 19. NEW SECTION. 104C.19 BOARD ATTACHED TO
21 DEPARTMENT.

22 The examining board shall be attached to the department for
23 administrative purposes.

24 Sec. 20. NEW SECTION. 104C.20 NATIONAL ORGANIZATION.

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

30 Sec. 21. NEW SECTION. 104C.21 GENERAL DUTIES OF
31 EXAMINING BOARD.

32 1. The examining board shall adopt rules pursuant to
33 chapter 17A necessary to carry out the certification and other
34 provisions of this chapter.

35 2. As a guideline, the examining board shall require all

1 certificate holders, as appropriate, to follow the uniform
2 plumbing code adopted by the department pursuant to section
3 135.11.

4 3. The examining board is responsible for establishing the
5 continuing education requirements of certificate holders and
6 for monitoring certificate holders' compliance with the
7 requirements. The basic continuing education requirement for
8 renewal of a certificate shall be the completion, during the
9 immediately preceding certificate term, of the number of
10 classroom hours of instruction required by the examining board
11 in courses or seminars which have received the approval of the
12 examining board. The examining board shall require at a
13 minimum sixteen classroom hours of instruction during each
14 two-year certification term.

15 4. The examining board is responsible for hearing any
16 appeals brought pursuant to a decision made by a political
17 subdivision plumbing or HVAC inspector. All certificate
18 holders shall have an automatic right of appeal to the
19 examining board with respect to any adverse decision rendered
20 against the certified professional by a political subdivision.

21 Sec. 22. NEW SECTION. 104C.22 APPLICATIONS FOR
22 EXAMINATIONS.

23 A person desiring to take an examination for a certificate
24 issued pursuant to this chapter shall make application to the
25 examining board at least fifteen days before the examination,
26 on a form provided by the examining board. The application
27 shall be accompanied by the examination fee and such documents
28 and affidavits as are necessary to show the eligibility of the
29 candidate to take the examination. All applications shall be
30 in accordance with the rules of the examining board and shall
31 be signed by the applicant.

32 Sec. 23. NEW SECTION. 104C.23 EXAMINATIONS.

33 Examinations for a certificate issued pursuant to this
34 chapter shall be conducted at least two times per year at such
35 times and locations as the examining board may fix. An

1 applicant who fails to pass an examination shall be allowed to
2 retake the examination at the next scheduled time. An
3 applicant who has failed an examination may request in writing
4 information from the examining board concerning the
5 examination grade and subject areas or questions where the
6 applicant failed to answer correctly, except that if the
7 examining board administers a uniform, standardized
8 examination, the examining board shall only be required to
9 provide the examination grade and such other information
10 concerning the applicant's examination results which are
11 available to the examining board.

12 Sec. 24. NEW SECTION. 104C.24 EXAMINATION RULES.

13 The examining board shall adopt rules relating to an
14 examination offered pursuant to section 104C.23 as follows:

15 1. The qualifications of an applicant seeking to take an
16 examination, which qualifications shall include a requirement
17 that all applicants who are contractors must be required to
18 show their state contractor registration number as a condition
19 precedent for qualifying to take an examination.

20 2. The denial of an applicant seeking to take an
21 examination.

22 3. The offering of an examination. The examining board
23 shall provide that a political subdivision, pursuant to the
24 board's rules, may offer an examination for individuals
25 seeking to be certified under this chapter.

26 4. The grading of an examination and passing upon the
27 technical qualifications of an applicant, as shown by the
28 examination.

29 5. The minimum score required for passing the standardized
30 examination, which shall in no case be less than seventy-five
31 percent.

32 Sec. 25. NEW SECTION. 104C.25 CERTIFICATION OF
33 APPLICANTS.

34 Every examination shall be passed upon in accordance with
35 the established rules of the examining board. After each

1 examination, the examining board shall certify the names of
2 the successful applicants to the department in the manner
3 prescribed by the examining board. The department shall then
4 issue the proper certificate and record the certificate
5 pursuant to section 104C.7.

6 Sec. 26. NEW SECTION. 104C.26 FEES.

7 1. The examining board shall set the fees for the
8 examination of all applicants, which fees shall be based upon
9 the cost of administering the examinations.

10 2. The examining board shall set the certification fees
11 and renewal fees for all certificates issued pursuant to this
12 chapter based upon the costs of sustaining the examining board
13 and the actual costs of certification.

14 3. All fees adopted by the examining board shall be paid
15 to the treasurer of state and shall be deposited into a
16 separate fund within the state treasury under the control of
17 the examining board. Moneys in the fund are appropriated to
18 and shall be used by the examining board to fund the
19 activities and operations of the examining board.

20 4. This chapter does not prohibit the state or any of its
21 political subdivisions from charging construction permit fees
22 or inspection fees related to work performed by plumbers and
23 HVAC professionals.

24 Sec. 27. NEW SECTION. 104C.27 INJUNCTION.

25 A person engaging in any business or in the practice of any
26 profession for which a certificate is required by this chapter
27 without such certificate may be restrained by permanent
28 injunction.

29 Sec. 28. NEW SECTION. 104C.28 PENALTIES.

30 1. A person violating any provision of this chapter, where
31 a specific penalty is not otherwise provided, is guilty of a
32 serious misdemeanor.

33 2. A person who files or attempts to file with the
34 department or examining board any false or forged diploma, or
35 certificate or affidavit of identification or qualification,

1 is guilty of a fraudulent practice.

2 3. A person who presents to the department a diploma or
3 certificate of which the person is not the rightful owner, for
4 the purpose of procuring a certificate pursuant to this
5 chapter, or who falsely impersonates anyone to whom a
6 certificate has been issued by the department is guilty of a
7 serious misdemeanor.

8 Sec. 29. NEW SECTION. 104C.29 ENFORCEMENT.

9 The department shall enforce this chapter and may request
10 the department of inspections and appeals to make necessary
11 investigations. Every certificate holder and member of the
12 examining board shall furnish the department or the department
13 of inspections and appeals such evidence as the member or
14 certificate holder may possess relative to any alleged
15 violation which is being investigated.

16 Sec. 30. NEW SECTION. 104C.30 REPORT OF VIOLATORS.

17 Every certificate holder and every member of the examining
18 board shall report to the department the name of every person
19 who is practicing as a plumber or HVAC professional without a
20 certificate issued pursuant to this chapter pursuant to the
21 knowledge or reasonable belief of the person making the
22 report.

23 Sec. 31. NEW SECTION. 104C.31 ENFORCEMENT BY ATTORNEY
24 GENERAL AND COUNTY ATTORNEY.

25 Upon request of the department, the attorney general may
26 institute proper proceedings against any person charged by the
27 department with violating this chapter and the county attorney
28 of the county in which such action is brought shall, at the
29 request of the attorney general, appear and prosecute such
30 action.

31 EXPLANATION

32 This bill creates a new chapter 104C related to the
33 certification of plumbers and heat, ventilation, and air
34 conditioning professionals.

35 Section 104C.1 establishes the title of the new chapter as

1 the "Iowa Plumber and HVAC Professional Certification Act".

2 Section 104C.2 sets forth the definition of key terms used
3 in the chapter.

4 Section 104C.3 provides generally that a person shall not
5 engage in the business of installing or repairing plumbing or
6 HVAC systems unless the person is certified or employs a
7 person who is certified pursuant to this chapter.

8 Section 104C.4 establishes exemptions to the certification
9 requirement contained in section 104C.3.

10 Section 104C.5 provides that the examining board may
11 consider an applicant's criminal records and may require
12 character references as part of the certification process.

13 Section 104C.6 provides that the certificate granted under
14 the chapter is to be in the form of a certificate under the
15 seal of the department of public health.

16 Section 104C.7 provides that the department is to maintain
17 a book of certificates issued indicating the name, location,
18 number of years of practice of the person to whom the
19 certificate is issued, the number of the certificate, and the
20 date of registration of the certificate.

21 Section 104C.8 provides that a person certified under this
22 chapter is to notify the department of a change of residence
23 or place of business.

24 Section 104C.9 establishes the types of certificates to be
25 issued including a plumber's apprentice, journeyman plumber,
26 master plumber, HVAC professional's apprentice, journeyman
27 HVAC professional, master HVAC professional, and combined
28 plumbing and HVAC professional.

29 Section 104C.10 provides that a person engaged in plumbing
30 or HVAC must maintain proof of financial responsibility in an
31 amount of not less than \$500,000.

32 Section 104C.11 establishes a procedure for the renewal of
33 a certificate.

34 Section 104C.12 provides that a nonresident applicant may
35 be certified without examination if the person is certified

1 under a similar statute in the person's state of residence,
2 and the other state would grant the same privilege to an Iowa
3 resident.

4 Section 104C.13 sets forth the grounds upon which a
5 certificate may be revoked, suspended, or denied.

6 Section 104C.14 provides that the examining board has
7 exclusive jurisdiction of a proceeding to revoke or suspend a
8 certificate issued pursuant to this chapter.

9 Section 104C.15 establishes the procedure for a hearing
10 conducted by the examining board.

11 Section 104C.16 sets forth requirements for advertisements
12 by a person engaged in the business of designing, installing,
13 or repairing plumbing or HVAC systems.

14 Section 104C.17 creates the state plumbing and HVAC
15 examining board.

16 Section 104C.18 provides that the public members of the
17 examining board are to be allowed to participate in
18 administrative, clerical, and ministerial functions incident
19 to giving the examinations, but are not to participate in the
20 development or scoring of the examination.

21 Section 104C.19 provides that the examining board is to be
22 attached to the department of public health for administrative
23 purposes.

24 Section 104C.20 provides that the examining board may
25 maintain a membership in a national organization of state
26 examining boards.

27 Section 104C.21 establishes the general duties of the
28 examining board.

29 Section 104C.22 provides that a person must make
30 application to the examining board at least 15 days prior to
31 the date the examination is to be given.

32 Section 104C.23 provides that an examination must be
33 conducted at least two times per year.

34 Section 104C.24 provides that the examining board is to
35 adopt rules relating to the offering of the exam including an

1 applicant's qualifications, denial of an applicant, the
2 offering of the exam, the grading of the exam, and the
3 required minimum score.

4 Section 104C.25 provides that the department is to issue a
5 certificate to each successful applicant and record the
6 issuance of the certificate.

7 Section 104C.26 provides that the examining board is to set
8 the fee for the examination of applicants, and the
9 certification and renewal fees.

10 Section 104C.27 provides that an injunction may be issued
11 against an uncertificated person engaged in any business for
12 which a certificate is required.

13 Section 104C.28 establishes various penalties for a person
14 violating a provision of the chapter.

15 Section 104C.29 provides that the department of public
16 health may request the department of inspections and appeals
17 to make any necessary investigations.

18 Section 104C.30 requires a certificate holder or a member
19 of the examining board to report an uncertificated person
20 engaged in any business for which a certificate is required
21 under this chapter.

22 Section 104C.31 provides that the attorney general may
23 institute proceedings against a person violating a provision
24 of this chapter.

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