

# Senate Study Bill 152

## Conference Committee Text

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1 1 Section 1. NEW SECTION. 104C.1 SHORT TITLE.  
1 2 This chapter may be cited as the "Iowa Plumber and HVAC  
1 3 Professional Certification Act".  
1 4 Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.  
1 5 For the purpose of this chapter, unless the context  
1 6 otherwise requires:  
1 7 1. "Department" means the Iowa department of public  
1 8 health.  
1 9 2. "Examining board" means the state plumbing and HVAC  
1 10 examining board as established in section 104C.17.  
1 11 3. "HVAC" means heating, ventilation, and air  
1 12 conditioning.  
1 13 4. "HVAC professional's apprentice" means an individual,  
1 14 other than a journeyman or master HVAC professional, who, as a  
1 15 principal occupation, is engaged in working as an employee of  
1 16 a HVAC contractor under the immediate and personal supervision  
1 17 of either a master HVAC professional or a journeyman HVAC  
1 18 professional and is learning and assisting in the design,  
1 19 installation, and repair of HVAC systems.  
1 20 5. "Journeyman HVAC professional" means an individual,  
1 21 other than a master HVAC professional, who, as a principal  
1 22 occupation, is engaged as an employee of, or otherwise working  
1 23 under the direction of, a master HVAC professional in the  
1 24 design, installation, and repair of HVAC systems.  
1 25 6. "Journeyman plumber" means an individual, other than a  
1 26 master plumber, who, as a principal occupation, is engaged as  
1 27 an employee of, or otherwise working under the direction of, a  
1 28 master plumber in the design, installation, and repair of  
1 29 plumbing.  
1 30 7. "Master HVAC professional" means an individual skilled  
1 31 in the planning, superintending, and the design, installation,  
1 32 and repair of HVAC systems, lawfully qualified to conduct the  
1 33 business of an HVAC professional, and knowledgeable about the  
1 34 laws and rules governing such business.  
1 35 8. "Master plumber" means an individual skilled in the  
2 1 planning, superintending, and the design, installation, and  
2 2 repair of plumbing, lawfully qualified to conduct the business  
2 3 of plumbing, and knowledgeable about the laws and rules  
2 4 governing such business.  
2 5 9. "Plumber's apprentice" means an individual, other than  
2 6 a journeyman or master plumber, who, as a principal  
2 7 occupation, is engaged in working as an employee of a plumbing  
2 8 contractor under the immediate and personal supervision of  
2 9 either a master plumber or a journeyman plumber, and who is  
2 10 learning and assisting in the design, installation, and repair  
2 11 of plumbing.  
2 12 10. "Political subdivision" means a city or county, or any  
2 13 combination of cities or counties.  
2 14 11. "Uniform mechanical code" means the code of rules  
2 15 governing the design, installation, and repair of HVAC systems  
2 16 as promulgated by the international association of plumbing  
2 17 and mechanical officials.  
2 18 12. "Uniform plumbing code" means the code of rules  
2 19 governing the design, installation, and repair of plumbing  
2 20 systems as promulgated by the international association of  
2 21 plumbing and mechanical officials.

2 22 Sec. 3. NEW SECTION. 104C.3 CERTIFICATION REQUIRED.  
2 23 1. Except as provided in section 104C.4, a person shall  
2 24 not engage in the business of installing or repairing plumbing  
2 25 or HVAC systems, including all fuel oil, natural gas, propane,  
2 26 or other component lines associated with any component of a  
2 27 plumbing or HVAC system, unless at all times a certified  
2 28 master plumber or certified master HVAC professional, as  
2 29 applicable, is employed by the person and is responsible for  
2 30 such design, installation, and repair work of the person. An  
2 31 individual who performs such work as a sole proprietor must be  
2 32 a certified master plumber or a certified master HVAC  
2 33 professional, as applicable.

2 34 2. A public utility, as defined in section 476.1, which  
2 35 engages in the business of selling, servicing, or installing  
3 1 plumbing, heating, or cooling systems shall establish a  
3 2 separate affiliate business entity for the purpose of engaging  
3 3 in such business.

3 4 Sec. 4. NEW SECTION. 104C.4 EXEMPTIONS FROM  
3 5 CERTIFICATION REQUIREMENT.

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

3 8 1. An owner-occupant of an existing single dwelling house,  
3 9 with the assistance of any member of the owner-occupant's  
3 10 family and household, who personally performs any work  
3 11 governed by the uniform mechanical code or uniform plumbing  
3 12 code in the house and who does all of the following:

- 3 13 a. Obtain any necessary permit for the work.
- 3 14 b. Perform all work so that the work fully complies with  
3 15 the provisions of the uniform mechanical code or the uniform  
3 16 plumbing code, as appropriate.
- 3 17 c. Have the completed project inspected by a certified  
3 18 inspector of the appropriate political subdivision.

3 19 2. Persons who are licensed mobile home dealers or are  
3 20 employees of licensed mobile home dealers with respect to the  
3 21 design or installation of plumbing or HVAC services related to  
3 22 the installation of a mobile home.

3 23 Sec. 5. NEW SECTION. 104C.5 QUALIFICATIONS.

3 24 An applicant for a plumbing, HVAC, or combined  
3 25 certification is not ineligible because of age, citizenship,  
3 26 sex, race, religion, marital status, or national origin,  
3 27 although the application form may require citizenship  
3 28 information. The examining board may consider the applicant's  
3 29 criminal record if the applicant has been convicted of any  
3 30 felony which relates directly to the practice of the  
3 31 profession for which the applicant requests to be certified.  
3 32 Character references may be required as part of the  
3 33 certification process, but shall not be obtained from a  
3 34 certified plumber or HVAC professional.

3 35 Sec. 6. NEW SECTION. 104C.6 FORM OF CERTIFICATION &ndash;  
4 1 DISPLAY.

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

4 13 2. A person certified under this chapter as a plumbing or  
4 14 HVAC professional shall keep the certificate publicly  
4 15 displayed at the person's principal place of business. An  
4 16 identification card issued pursuant to this section must be in  
4 17 the possession of the individual at all times that the  
4 18 individual is performing work pursuant to the certificate.

4 19 Sec. 7. NEW SECTION. 104C.7 RECORD OF CERTIFICATES.

4 20 The name, location, number of years of practice of the  
4 21 person to whom the certificate has been issued, the number of  
4 22 the certificate, and the date of registration of the  
4 23 certificate shall be recorded and kept in the office of the  
4 24 department to be known as the plumbing and HVAC registry,  
4 25 which shall be open to public inspection.

4 26 Sec. 8. NEW SECTION. 104C.8 CHANGE OF RESIDENCE.

4 27 A person certified to practice as a plumbing or HVAC  
4 28 professional under this chapter who changes the person's  
4 29 residence or place of business shall notify the department and  
4 30 local certification jurisdiction of the change.

4 31 Sec. 9. NEW SECTION. 104C.9 TYPES OF CERTIFICATES  
4 32 ISSUED.

4 33 1. PLUMBING CERTIFICATES. The following plumbing  
4 34 certificates may be issued by the department:

4 35 a. Plumber's apprentice. In order to be certified by the  
5 1 department as a plumber's apprentice, a person shall do all of  
5 2 the following:

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

5 7 (2) Certify that the person shall work directly under the  
5 8 supervision of a certified journeyman plumber or master  
5 9 plumber.

5 10 (3) Be enrolled in a plumber's apprentice program which is  
5 11 registered with the United States department of labor, bureau  
5 12 of apprenticeship training.

5 13 b. Journeyman plumber. In order to be certified by the  
5 14 department as a journeyman plumber, a person shall do all of  
5 15 the following:

5 16 (1) File an application and pay application fees as  
5 17 established by the examining board, which application must  
5 18 establish that the person meets the minimum educational and  
5 19 experience requirements adopted by the examining board.

5 20 (2) Pass the state journeyman plumber certification  
5 21 examination.

5 22 (3) Provide the examining board with evidence of having  
5 23 completed at least four years of practical plumbing  
5 24 experience. After January 1, 1999, all four years of  
5 25 practical plumbing experience shall be required to have been  
5 26 practical plumbing experience gained as a result of being a  
5 27 certified plumber's apprentice.

5 28 c. Master plumber. In order to be certified by the  
5 29 department as a master plumber, a person shall do all of the  
5 30 following:

5 31 (1) File an application and pay an application fee as  
5 32 established by the examining board, which application must  
5 33 establish that the person meets the minimum educational and  
5 34 experience requirements adopted by the examining board.

5 35 (2) Pass the state master plumber certification  
6 1 examination.

6 2 (3) Have previously been a certified journeyman plumber or  
6 3 must provide evidence to the examining board that the person  
6 4 satisfies all requirements required to be certified as a  
6 5 journeyman plumber.

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

6 8 2. HVAC PROFESSIONAL CERTIFICATES. The following HVAC  
6 9 professional certificates may be issued by the department:

6 10 a. HVAC professional's apprentice. In order to be  
6 11 certified by the department as an HVAC professional's  
6 12 apprentice, a person shall do all of the following:

6 13 (1) File an application form and pay an application fee as  
6 14 established by the examining board, which application must  
6 15 establish that the person meets the minimum requirements

6 16 adopted by the examining board.

6 17 (2) Certify that the person shall work directly under the  
6 18 supervision of a certified journeyman HVAC professional or  
6 19 master HVAC professional.

6 20 (3) Be enrolled in an HVAC professional's apprentice  
6 21 program which is registered with the United States department  
6 22 of labor bureau of apprenticeship training.

6 23 b. Journeyman HVAC professional. In order to be certified  
6 24 by the department as a journeyman HVAC professional, a person  
6 25 shall do all of the following:

6 26 (1) File an application and pay application fees as  
6 27 established by the examining board, which application must  
6 28 establish that the person meets the minimum educational and  
6 29 experience requirements adopted by the examining board.

6 30 (2) Pass the state journeyman HVAC professional  
6 31 certification examination.

6 32 (3) Provide the examining board with evidence of having  
6 33 completed at least four years of practical HVAC experience.

6 34 After January 1, 1999, all four years of practical HVAC  
6 35 experience shall be required to have been practical HVAC  
7 1 experience gained as a result of being a certified HVAC  
7 2 professional's apprentice.

7 3 c. Master HVAC professional. In order to be certified by  
7 4 the department as a master HVAC professional, a person shall  
7 5 do all of the following:

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

7 10 (2) Pass the state master HVAC professional certification  
7 11 examination.

7 12 (3) Have previously been a certified journeyman HVAC  
7 13 professional or must provide evidence to the examining board  
7 14 that the person satisfies all requirements required to be  
7 15 certified as a journeyman HVAC professional.

7 16 3. COMBINED PLUMBING AND HVAC PROFESSIONAL CERTIFICATIONS.  
7 17 The department may issue a combined certificate to persons who  
7 18 qualify for both a master plumber and master HVAC professional  
7 19 certificate, both a journeyman plumber and journeyman HVAC  
7 20 professional certificate, or both a plumber's apprentice and  
7 21 HVAC professional's apprentice certificate. Alternatively, a  
7 22 person may be certified by the department at one plumber level  
7 23 and at a different HVAC professional level contemporaneously.

7 24 4. WAIVER OF TESTING REQUIREMENTS. The examining board  
7 25 may waive the written examination requirements set forth in  
7 26 this section for journeyman and master certificates if either  
7 27 paragraph "a" or "b" applies.

7 28 a. The applicant meets both of the following:

7 29 (1) Has previously passed a written examination which the  
7 30 examining board deems to be substantially similar to the  
7 31 certification examination otherwise required by the examining  
7 32 board to obtain the subject certificate.

7 33 (2) Has completed sixteen or more classroom hours of  
7 34 continuing education instruction in courses or seminars which  
7 35 have received the approval of the examining board within the  
8 1 two-year period immediately preceding the date of the  
8 2 submittal of the applicant's certification application.

8 3 b. The applicant meets both of the following:

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

8 13 (2) Has completed sixteen or more classroom hours of  
8 14 continuing education instruction in courses or seminars which  
8 15 have received the approval of the examining board within the  
8 16 two-year period immediately preceding the date of the  
8 17 submittal of the applicant's certification application.

8 18 Sec. 10. NEW SECTION. 104C.10 INSURANCE REQUIREMENTS.

8 19 1. A contractor with a master plumber certificate or  
8 20 master HVAC professional certificate, or a renewal of such  
8 21 certificate, shall furnish proof of financial responsibility  
8 22 by showing the existence of a liability insurance policy,  
8 23 including products liability, providing coverage in an amount  
8 24 of not less than five hundred thousand dollars.

8 25 2. If the applicant is engaged in plumbing or HVAC  
8 26 professional work individually through a sole proprietorship,  
8 27 the applicant shall personally obtain the insurance required  
8 28 by this section. If the applicant is otherwise engaged in the  
8 29 plumbing or HVAC business, the applicant shall provide proof  
8 30 of insurance coverage by the business.

8 31 3. The insurance shall be written by an insurer authorized  
8 32 to engage in the business of insurance in this state and each  
8 33 certified master plumber and certified master HVAC  
8 34 professional shall maintain on file with the department a  
8 35 certificate evidencing the insurance providing that the  
9 1 insurance shall not be canceled without the insurer first  
9 2 giving fifteen days written notice to the department.

9 3 4. The requirements of this section do not apply to either  
9 4 of the following:

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

9 10 b. An individual or a contractor with a master HVAC  
9 11 professional certificate provided that the individual or  
9 12 contractor does not engage in or contract for any mechanical  
9 13 or HVAC work, except work performed as a certified inspector  
9 14 for a political subdivision.

9 15 Sec. 11. NEW SECTION. 104C.11 RENEWAL OF CERTIFICATES.

9 16 1. A certificate issued under this chapter expires two  
9 17 years from the date issued.

9 18 2. A certificate issued under this chapter may be renewed  
9 19 as determined by the examining board upon application by the  
9 20 certificate holder, without examination. Application for  
9 21 renewal shall be made in writing to the department accompanied  
9 22 by the required renewal certification fee at least thirty days  
9 23 prior to the expiration date of the certificate.

9 24 3. The latest renewal certificate shall be displayed in  
9 25 connection with the original certificate.

9 26 4. The department shall notify each certificate holder by  
9 27 mail prior to the expiration of a certificate.

9 28 5. A plumbing or HVAC inspector currently employed by a  
9 29 political subdivision shall receive a certificate, and any  
9 30 renewal certificates, at no charge during the time of the  
9 31 inspector's employment with the political subdivision.

9 32 6. A certificate holder who allows a certificate to lapse  
9 33 for a period of one month or less, may reinstate and renew the  
9 34 certificate without examination in accordance with  
9 35 requirements adopted by the examining board and upon payment  
10 1 of the renewal and reinstatement fees due.

10 2 7. A certificate holder who allows a certificate to lapse  
10 3 by a period of time greater than one month is required to  
10 4 retake and pass the applicable certification examination in  
10 5 order to obtain reinstatement and renewal of the person's  
10 6 certificate.

10 7 Sec. 12. NEW SECTION. 104C.12 RECIPROCAL CERTIFICATION.

10 8 The department may certify without examination nonresident  
10 9 applicants who are certified under a plumbing or HVAC

10 10 professional certification statute of another state having  
10 11 similar certification requirements as those set forth in this  
10 12 chapter and the rules adopted pursuant to this chapter if the  
10 13 other state grants the same reciprocal certification  
10 14 privileges to residents of Iowa who have obtained a  
10 15 certificate under this chapter.

10 16 Sec. 13. NEW SECTION. 104C.13 GROUNDS FOR CERTIFICATE  
10 17 REVOCATION, SUSPENSION, OR DENIAL.

10 18 A certificate to practice as a plumber or HVAC professional  
10 19 may be revoked, suspended, or denied by the examining board,  
10 20 or a certificate holder may be otherwise disciplined in  
10 21 accordance with this chapter, if the certificate holder is  
10 22 guilty of any of the following:

- 10 23 1. Fraud in procuring a certificate.
- 10 24 2. Professional incompetency.
- 10 25 3. Knowingly making misleading, deceptive, untrue, or  
10 26 fraudulent misrepresentations in the practice of the  
10 27 profession or engaging in unethical conduct or practice  
10 28 harmful or detrimental to the public, whether or not any  
10 29 injury results.
- 10 30 4. Conviction of a felony related to the profession of the  
10 31 certificate holder or the conviction of any felony that would  
10 32 affect the certificate holder's ability to practice within the  
10 33 profession. A copy of the record of conviction or plea of  
10 34 guilty is conclusive evidence of such conviction.
- 10 35 5. Fraud in representations as to skill and ability.
- 11 1 6. Use of untruthful or improbable statements in  
11 2 advertisements.
- 11 3 7. Willful or repeated violations of this chapter.
- 11 4 8. Aiding and abetting a person who is not certified  
11 5 pursuant to this chapter in that person's pursuit of an  
11 6 unauthorized or uncertified plumbing or HVAC professional  
11 7 practice.
- 11 8 9. Any other such grounds or reasons as established by  
11 9 rule adopted by the examining board.

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

11 12 The examining board shall have exclusive jurisdiction of  
11 13 all proceedings to revoke or suspend a certificate issued  
11 14 pursuant to this chapter. The examining board may initiate  
11 15 proceedings under this chapter either on its own motion or on  
11 16 the complaint of any person. Before scheduling a hearing, the  
11 17 examining board may request the department to conduct an  
11 18 investigation into the charges to be addressed at the  
11 19 examining board hearing. The department shall report its  
11 20 findings to the examining board.

11 21 Sec. 15. NEW SECTION. 104C.15 NOTICE & DEFAULT &  
11 22 HEARING.

- 11 23 1. The examining board shall provide for notice and  
11 24 hearing pursuant to chapter 17A.
- 11 25 2. If, after having been served with the notice of  
11 26 hearing, the certificate holder fails to appear at the hearing  
11 27 and defend, the examining board may proceed to hear evidence  
11 28 against the certificate holder and may enter such order as is  
11 29 justified by the evidence.
- 11 30 3. A decision of the examining board shall be by a  
11 31 majority vote of its members. The decision of the examining  
11 32 board shall be entered of record and, if the decision involves  
11 33 the revocation or suspension of a certificate, the certificate  
11 34 holder shall not engage in the practice of the certificate  
11 35 holder's profession after the certificate is revoked or during  
12 1 the time for which it is suspended.

12 2 4. Judicial review of the board's action may be sought in  
12 3 accordance with chapter 17A.

12 4 Sec. 16. NEW SECTION. 104C.16 ADVERTISING.

- 12 5 1. A person shall not advertise or hold oneself out to the  
12 6 public as a certified plumber or certified HVAC professional

12 7 unless such person is certified pursuant to this chapter.  
12 8 2. All advertisements distributed within this state by a  
12 9 person who is engaged in the business of designing,  
12 10 installing, or repairing plumbing or HVAC systems must include  
12 11 the listing of at least one master plumber or master HVAC  
12 12 professional certificate number, as applicable. A master  
12 13 plumber or a master HVAC professional shall not allow the use  
12 14 of such certificate number in connection with the advertising  
12 15 of more than one person engaged in the business of designing,  
12 16 installing, or repairing plumbing or HVAC systems.

12 17 3. A person who engages in the business of designing,  
12 18 installing, or repairing plumbing or HVAC systems must display  
12 19 at least one master plumber certificate or master HVAC  
12 20 professional certificate number, as applicable, on all of the  
12 21 person's motor vehicles.

12 22 4. A person who falsely claims to be a certified plumber  
12 23 or certified HVAC professional pursuant to this chapter,  
12 24 either in writing or in other communications, is guilty of a  
12 25 simple misdemeanor.

12 26 5. A person who falsely lists a master plumber or master  
12 27 HVAC professional certificate number in connection with that  
12 28 person's advertising, or falsely displays a master plumber or  
12 29 master HVAC professional certificate number on that person's  
12 30 service vehicles is guilty of a simple misdemeanor. In order  
12 31 to be entitled to use a certificate number of a master plumber  
12 32 or master HVAC professional, the master plumber or master HVAC  
12 33 professional must be employed by the person in whose name the  
12 34 business of designing, installing, or repairing plumbing or  
12 35 HVAC systems is being conducted.

13 1 Sec. 17. NEW SECTION. 104C.17 STATE PLUMBING AND HVAC  
13 2 EXAMINING BOARD.

13 3 1. A state plumbing and HVAC professional examining board  
13 4 is created for the purpose of giving examinations to  
13 5 applicants for plumbing and HVAC professional certification  
13 6 and for the other purposes set forth in this chapter. Members  
13 7 of the examining board shall be appointed by the governor,  
13 8 subject to confirmation by the senate, and shall be  
13 9 representative of all areas of the state.

13 10 2. The examining board shall consist of ten voting members  
13 11 as follows:

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

13 14 b. Two public members who do not possess certificates  
13 15 issued under this chapter and who represent the general  
13 16 public.

13 17 c. An HVAC inspector employed by a political subdivision  
13 18 to perform HVAC inspections and who is qualified by a  
13 19 certification body recognized by the board.

13 20 d. A plumbing inspector employed by a political  
13 21 subdivision to perform plumbing inspections and who is  
13 22 qualified by a certification body recognized by the board.

13 23 e. An architect registered pursuant to chapter 544A or a  
13 24 professional engineer registered pursuant to chapter 542B.

13 25 f. An individual certified as a journeyman plumber  
13 26 pursuant to this chapter.

13 27 g. An individual certified as a master plumber pursuant to  
13 28 this chapter.

13 29 h. An individual certified as a journeyman HVAC  
13 30 professional pursuant to this chapter.

13 31 i. An individual certified as a master HVAC professional  
13 32 pursuant to this chapter.

13 33 3. The terms of the two members appointed under subsection  
13 34 2, paragraphs "f" and "g", shall expire on the same date, and  
13 35 one of such members shall at all times while serving on the  
14 1 examining board be affiliated with a labor union and one shall  
14 2 at all times while serving on the examining board not be  
14 3 affiliated with a labor union. The terms of the two members

14 4 appointed pursuant to subsection 2, paragraphs "h" and "i",  
14 5 shall expire on the same date, and one of such members shall  
14 6 at all times while serving on the examining board be  
14 7 affiliated with a labor union and one shall at all times while  
14 8 serving on the examining board not be affiliated with a labor  
14 9 union.

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

14 16 5. A quorum shall consist of a majority of the members of  
14 17 the examining board.

14 18 6. Any vacancy in the membership of the examining board  
14 19 shall be filled in the same manner as provided for other  
14 20 appointments.

14 21 7. Members shall elect a chairperson and vice chairperson  
14 22 annually and other officers as they determine.

14 23 8. Members of the examining board shall receive a per diem  
14 24 as specified in section 7E.6 for each day spent in performance  
14 25 of duties as members and shall be reimbursed for all actual  
14 26 and necessary expenses incurred in the performance of duties  
14 27 as members.

14 28 9. If a person who has been appointed by the governor to  
14 29 serve on the examining board has ever been disciplined in a  
14 30 contested case by the examining board, all examining board  
14 31 complaints and statements of charges, settlement agreements,  
14 32 findings of fact, and orders pertaining to the disciplinary  
14 33 action shall be made available to the senate committee to  
14 34 which the appointment is referred at the committee's request  
14 35 before confirmation by the senate.

15 1 Sec. 18. NEW SECTION. 104C.18 EXAMINATION INFORMATION.

15 2 1. The public members of the examining board shall be  
15 3 allowed to participate in administrative, clerical, and  
15 4 ministerial functions incident to giving examinations, but  
15 5 shall not participate in the examining board's determination  
15 6 of the contents of the examinations or the correctness of  
15 7 answers to the examinations. A member of the examining board  
15 8 shall not disclose information relating to any of the  
15 9 following:

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

15 16 2. A member of the examining board who willfully  
15 17 communicates, or seeks to communicate, such information to any  
15 18 person who willfully requests, obtains, or seeks to obtain  
15 19 such information, is guilty of a simple misdemeanor.

15 20 Sec. 19. NEW SECTION. 104C.19 BOARD ATTACHED TO  
15 21 DEPARTMENT.

15 22 The examining board shall be attached to the department for  
15 23 administrative purposes.

15 24 Sec. 20. NEW SECTION. 104C.20 NATIONAL ORGANIZATION.

15 25 The examining board may maintain a membership in any  
15 26 national organization of state examining boards for the  
15 27 professions of plumbing and HVAC professionals, with all  
15 28 membership fees to be paid from funds appropriated to the  
15 29 examining board.

15 30 Sec. 21. NEW SECTION. 104C.21 GENERAL DUTIES OF  
15 31 EXAMINING BOARD.

15 32 1. The examining board shall adopt rules pursuant to  
15 33 chapter 17A necessary to carry out the certification and other  
15 34 provisions of this chapter.

15 35 2. As a guideline, the examining board shall require all

16 1 certificate holders, as appropriate, to follow the uniform  
16 2 plumbing code adopted by the department pursuant to section  
16 3 135.11.

16 4 3. The examining board is responsible for establishing the  
16 5 continuing education requirements of certificate holders and  
16 6 for monitoring certificate holders' compliance with the  
16 7 requirements. The basic continuing education requirement for  
16 8 renewal of a certificate shall be the completion, during the  
16 9 immediately preceding certificate term, of the number of  
16 10 classroom hours of instruction required by the examining board  
16 11 in courses or seminars which have received the approval of the  
16 12 examining board. The examining board shall require at a  
16 13 minimum sixteen classroom hours of instruction during each  
16 14 two-year certification term.

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

16 21 Sec. 22. NEW SECTION. 104C.22 APPLICATIONS FOR  
16 22 EXAMINATIONS.

16 23 A person desiring to take an examination for a certificate  
16 24 issued pursuant to this chapter shall make application to the  
16 25 examining board at least fifteen days before the examination,  
16 26 on a form provided by the examining board. The application  
16 27 shall be accompanied by the examination fee and such documents  
16 28 and affidavits as are necessary to show the eligibility of the  
16 29 candidate to take the examination. All applications shall be  
16 30 in accordance with the rules of the examining board and shall  
16 31 be signed by the applicant.

16 32 Sec. 23. NEW SECTION. 104C.23 EXAMINATIONS.

16 33 Examinations for a certificate issued pursuant to this  
16 34 chapter shall be conducted at least two times per year at such  
16 35 times and locations as the examining board may fix. An  
17 1 applicant who fails to pass an examination shall be allowed to  
17 2 retake the examination at the next scheduled time. An  
17 3 applicant who has failed an examination may request in writing  
17 4 information from the examining board concerning the  
17 5 examination grade and subject areas or questions where the  
17 6 applicant failed to answer correctly, except that if the  
17 7 examining board administers a uniform, standardized  
17 8 examination, the examining board shall only be required to  
17 9 provide the examination grade and such other information  
17 10 concerning the applicant's examination results which are  
17 11 available to the examining board.

17 12 Sec. 24. NEW SECTION. 104C.24 EXAMINATION RULES.

17 13 The examining board shall adopt rules relating to an  
17 14 examination offered pursuant to section 104C.23 as follows:

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

17 20 2. The denial of an applicant seeking to take an  
17 21 examination.

17 22 3. The offering of an examination. The examining board  
17 23 shall provide that a political subdivision, pursuant to the  
17 24 board's rules, may offer an examination for individuals  
17 25 seeking to be certified under this chapter.

17 26 4. The grading of an examination and passing upon the  
17 27 technical qualifications of an applicant, as shown by the  
17 28 examination.

17 29 5. The minimum score required for passing the standardized  
17 30 examination, which shall in no case be less than seventy-five  
17 31 percent.

17 32 Sec. 25. NEW SECTION. 104C.25 CERTIFICATION OF

17 33 APPLICANTS.

17 34 Every examination shall be passed upon in accordance with  
17 35 the established rules of the examining board. After each  
18 1 examination, the examining board shall certify the names of  
18 2 the successful applicants to the department in the manner  
18 3 prescribed by the examining board. The department shall then  
18 4 issue the proper certificate and record the certificate  
18 5 pursuant to section 104C.7.

18 6 Sec. 26. NEW SECTION. 104C.26 FEES.

18 7 1. The examining board shall set the fees for the  
18 8 examination of all applicants, which fees shall be based upon  
18 9 the cost of administering the examinations.

18 10 2. The examining board shall set the certification fees  
18 11 and renewal fees for all certificates issued pursuant to this  
18 12 chapter based upon the costs of sustaining the examining board  
18 13 and the actual costs of certification.

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

18 20 4. This chapter does not prohibit the state or any of its  
18 21 political subdivisions from charging construction permit fees  
18 22 or inspection fees related to work performed by plumbers and  
18 23 HVAC professionals.

18 24 Sec. 27. NEW SECTION. 104C.27 INJUNCTION.

18 25 A person engaging in any business or in the practice of any  
18 26 profession for which a certificate is required by this chapter  
18 27 without such certificate may be restrained by permanent  
18 28 injunction.

18 29 Sec. 28. NEW SECTION. 104C.28 PENALTIES.

18 30 1. A person violating any provision of this chapter, where  
18 31 a specific penalty is not otherwise provided, is guilty of a  
18 32 serious misdemeanor.

18 33 2. A person who files or attempts to file with the  
18 34 department or examining board any false or forged diploma, or  
18 35 certificate or affidavit of identification or qualification,  
19 1 is guilty of a fraudulent practice.

19 2 3. A person who presents to the department a diploma or  
19 3 certificate of which the person is not the rightful owner, for  
19 4 the purpose of procuring a certificate pursuant to this  
19 5 chapter, or who falsely impersonates anyone to whom a  
19 6 certificate has been issued by the department is guilty of a  
19 7 serious misdemeanor.

19 8 Sec. 29. NEW SECTION. 104C.29 ENFORCEMENT.

19 9 The department shall enforce this chapter and may request  
19 10 the department of inspections and appeals to make necessary  
19 11 investigations. Every certificate holder and member of the  
19 12 examining board shall furnish the department or the department  
19 13 of inspections and appeals such evidence as the member or  
19 14 certificate holder may possess relative to any alleged  
19 15 violation which is being investigated.

19 16 Sec. 30. NEW SECTION. 104C.30 REPORT OF VIOLATORS.

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

19 23 Sec. 31. NEW SECTION. 104C.31 ENFORCEMENT BY ATTORNEY  
19 24 GENERAL AND COUNTY ATTORNEY.

19 25 Upon request of the department, the attorney general may  
19 26 institute proper proceedings against any person charged by the  
19 27 department with violating this chapter and the county attorney  
19 28 of the county in which such action is brought shall, at the  
19 29 request of the attorney general, appear and prosecute such

19 30 action.

19 31

EXPLANATION

19 32 This bill creates a new chapter 104C related to the  
19 33 certification of plumbers and heat, ventilation, and air  
19 34 conditioning professionals.

19 35 Section 104C.1 establishes the title of the new chapter as  
20 1 the "Iowa Plumber and HVAC Professional Certification Act".

20 2 Section 104C.2 sets forth the definition of key terms used  
20 3 in the chapter.

20 4 Section 104C.3 provides generally that a person shall not  
20 5 engage in the business of installing or repairing plumbing or  
20 6 HVAC systems unless the person is certified or employs a  
20 7 person who is certified pursuant to this chapter.

20 8 Section 104C.4 establishes exemptions to the certification  
20 9 requirement contained in section 104C.3.

20 10 Section 104C.5 provides that the examining board may  
20 11 consider an applicant's criminal records and may require  
20 12 character references as part of the certification process.

20 13 Section 104C.6 provides that the certificate granted under  
20 14 the chapter is to be in the form of a certificate under the  
20 15 seal of the department of public health.

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

20 21 Section 104C.8 provides that a person certified under this  
20 22 chapter is to notify the department of a change of residence  
20 23 or place of business.

20 24 Section 104C.9 establishes the types of certificates to be  
20 25 issued including a plumber's apprentice, journeyman plumber,  
20 26 master plumber, HVAC professional's apprentice, journeyman  
20 27 HVAC professional, master HVAC professional, and combined  
20 28 plumbing and HVAC professional.

20 29 Section 104C.10 provides that a person engaged in plumbing  
20 30 or HVAC must maintain proof of financial responsibility in an  
20 31 amount of not less than \$500,000.

20 32 Section 104C.11 establishes a procedure for the renewal of  
20 33 a certificate.

20 34 Section 104C.12 provides that a nonresident applicant may  
20 35 be certified without examination if the person is certified  
21 1 under a similar statute in the person's state of residence,  
21 2 and the other state would grant the same privilege to an Iowa  
21 3 resident.

21 4 Section 104C.13 sets forth the grounds upon which a  
21 5 certificate may be revoked, suspended, or denied.

21 6 Section 104C.14 provides that the examining board has  
21 7 exclusive jurisdiction of a proceeding to revoke or suspend a  
21 8 certificate issued pursuant to this chapter.

21 9 Section 104C.15 establishes the procedure for a hearing  
21 10 conducted by the examining board.

21 11 Section 104C.16 sets forth requirements for advertisements  
21 12 by a person engaged in the business of designing, installing,  
21 13 or repairing plumbing or HVAC systems.

21 14 Section 104C.17 creates the state plumbing and HVAC  
21 15 examining board.

21 16 Section 104C.18 provides that the public members of the  
21 17 examining board are to be allowed to participate in  
21 18 administrative, clerical, and ministerial functions incident  
21 19 to giving the examinations, but are not to participate in the  
21 20 development or scoring of the examination.

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

21 24 Section 104C.20 provides that the examining board may  
21 25 maintain a membership in a national organization of state  
21 26 examining boards.

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

21 29 Section 104C.22 provides that a person must make  
21 30 application to the examining board at least 15 days prior to  
21 31 the date the examination is to be given.

21 32 Section 104C.23 provides that an examination must be  
21 33 conducted at least two times per year.

21 34 Section 104C.24 provides that the examining board is to  
21 35 adopt rules relating to the offering of the exam including an  
22 1 applicant's qualifications, denial of an applicant, the  
22 2 offering of the exam, the grading of the exam, and the  
22 3 required minimum score.

22 4 Section 104C.25 provides that the department is to issue a  
22 5 certificate to each successful applicant and record the  
22 6 issuance of the certificate.

22 7 Section 104C.26 provides that the examining board is to set  
22 8 the fee for the examination of applicants, and the  
22 9 certification and renewal fees.

22 10 Section 104C.27 provides that an injunction may be issued  
22 11 against an uncertificated person engaged in any business for  
22 12 which a certificate is required.

22 13 Section 104C.28 establishes various penalties for a person  
22 14 violating a provision of the chapter.

22 15 Section 104C.29 provides that the department of public  
22 16 health may request the department of inspections and appeals  
22 17 to make any necessary investigations.

22 18 Section 104C.30 requires a certificate holder or a member  
22 19 of the examining board to report an uncertificated person  
22 20 engaged in any business for which a certificate is required  
22 21 under this chapter.

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

22 25 LSB 1448SC 76  
22 26 mj/sc/14