

Senate File 2274 - Introduced

SENATE FILE 2274
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 27)

A BILL FOR

1 An Act providing for the licensure of persons who install
2 and maintain solar thermal systems and making penalties
3 applicable.

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

1 Section 1. Section 105.1, Code 2011, is amended to read as
2 follows:

3 **105.1 Title.**

4 This chapter may be known and cited as the "*Iowa Plumber,*
5 *Mechanical, Solar Thermal Professional, and Contractor Licensing*
6 *Act*".

7 Sec. 2. Section 105.2, Code Supplement 2011, is amended by
8 adding the following new subsections:

9 **NEW SUBSECTION.** 18. "*Solar thermal professional*" means a
10 person whose services consist of the design, installation,
11 alteration, repair, maintenance, relocation, or replacement of
12 a solar thermal system.

13 **NEW SUBSECTION.** 19. "*Solar thermal system*" means panels
14 for solar heating systems and any appurtenances, apparatus, or
15 equipment used in connection with those systems.

16 Sec. 3. Section 105.3, subsection 1, Code 2011, is amended
17 to read as follows:

18 1. A plumbing, and mechanical, and solar thermal systems
19 board is created within the Iowa department of public health.

20 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,
21 Code 2011, are amended to read as follows:

22 a. The board shall be comprised of eleven twelve members,
23 appointed by the governor, as follows:

24 (1) The director of public health or the director's
25 designee.

26 (2) The commissioner of public safety or the commissioner's
27 designee.

28 (3) One plumbing inspector.

29 (4) One mechanical inspector.

30 (5) A contractor who primarily works in rural areas.

31 (6) An individual licensed as a journeyperson plumber
32 pursuant to the provisions of this chapter or, for the initial
33 membership of the board, an individual eligible for such
34 licensure.

35 (7) An individual working as a plumbing contractor and

1 licensed as a master plumber pursuant to the provisions of
2 this chapter or, for the initial membership of the board, an
3 individual eligible for such licensure.

4 (8) Two individuals licensed as journeyperson mechanical
5 professionals pursuant to the provisions of this chapter or,
6 for the initial membership of the board, two individuals
7 eligible for such licensure.

8 (9) Two individuals licensed as master mechanical
9 professionals pursuant to the provisions of this chapter or,
10 for the initial membership of the board, two individuals
11 eligible for such licensure. One of these individuals shall be
12 a mechanical systems contractor.

13 (10) An individual licensed as a solar thermal professional
14 pursuant to the provisions of this chapter or, for the initial
15 appointment, an individual eligible for such licensure.

16 b. The board members enumerated in paragraph a "a",
17 subparagraphs (3) through ~~(9)~~ (10), are subject to confirmation
18 by the senate.

19 Sec. 5. Section 105.3, subsection 7, Code 2011, is amended
20 to read as follows:

21 7. The board may maintain a membership in any national
22 organization of state boards for the professions of
23 plumbing, HVAC, refrigeration, or hydronic, or solar thermal
24 professionals, with all membership fees to be paid from funds
25 appropriated to the board.

26 Sec. 6. Section 105.10, subsection 1, Code 2011, is amended
27 to read as follows:

28 1. Except as provided in section 105.11, a person shall
29 not operate as a contractor or install or repair plumbing,
30 HVAC, refrigeration, or hydronic, or solar thermal systems
31 without obtaining a license issued by the board, or install or
32 repair medical gas piping systems without obtaining a valid
33 certification approved by the board.

34 Sec. 7. Section 105.11, subsections 7 and 10, Code
35 Supplement 2011, are amended to read as follows:

1 7. Require a helper engaged in general manual labor
2 activities while providing assistance to an apprentice,
3 journeyperson, or master to obtain a plumbing, HVAC,
4 refrigeration, or hydronic, or solar thermal license.

5 Experience as a helper shall not be considered as practical
6 experience for a journeyperson license.

7 10. Apply to the employees of manufacturers, manufacturer
8 representatives, or wholesale suppliers who provide
9 consultation or develop plans concerning plumbing, HVAC,
10 refrigeration, or hydronic, or solar thermal work, or who
11 assist a person licensed under this chapter in the installation
12 of mechanical, hydronic, solar thermal, or plumbing systems.

13 Sec. 8. Section 105.12, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. A contracting, plumbing, HVAC, refrigeration, or
16 hydronic, or solar thermal license shall be in the form of a
17 certificate under the seal of the department, signed by the
18 director of public health, and shall be issued in the name of
19 the board. The license number shall be noted on the face of the
20 license.

21 Sec. 9. Section 105.15, Code 2011, is amended to read as
22 follows:

23 **105.15 Registry of licenses.**

24 The name, location, license number, and date of issuance of
25 the license of each person to whom a license has been issued
26 shall be entered in a registry kept in the office of the
27 department to be known as the plumbing, HVAC, refrigeration,
28 or hydronic, or solar thermal registry. The registry may be
29 electronic and shall be open to public inspection; however,
30 the licensee's home address, home telephone number, and
31 other personal information as determined by rule shall be
32 confidential.

33 Sec. 10. Section 105.16, Code 2011, is amended to read as
34 follows:

35 **105.16 Change of residence.**

1 If a person licensed to practice as a contractor or a
2 plumbing, HVAC, refrigeration, or hydronic, or solar thermal
3 professional under this chapter changes the person's residence
4 or place of practice, the person shall so notify the board.

5 Sec. 11. Section 105.17, subsection 1, paragraph b, Code
6 2011, is amended to read as follows:

7 b. On and after July 1, 2008, a governmental subdivision
8 shall not prohibit a contractor or a plumbing, HVAC,
9 refrigeration, solar thermal, or hydronic professional licensed
10 pursuant to this chapter from performing services for which
11 that person is licensed pursuant to this chapter or enforce any
12 plumbing and mechanical licensing provisions promulgated by the
13 governmental subdivision against a person licensed pursuant to
14 this chapter.

15 Sec. 12. Section 105.18, Code Supplement 2011, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 2A. *Solar thermal professional and*
18 *contractor licenses.* The board shall issue separate licenses
19 for solar thermal professionals and for contractors as follows:

20 a. Solar thermal professional. In order to be licensed
21 by the board as a solar professional, a person shall file an
22 application and pay application fees as established by the
23 board. The application shall contain all of the following:

24 (1) Applicant's name and address.

25 (2) Applicant's business name.

26 (3) Proof of liability insurance.

27 (4) Proof of either North American board of certified energy
28 practitioners solar thermal certification, or of completion of
29 an Iowa community college forty hour solar thermal coursework
30 and two training installations or other coursework and training
31 as approved by the board.

32 (5) Any other information required by the board.

33 b. Contractor license. In order to be licensed by the board
34 as a contractor, a person shall do all of the following:

35 (1) File an application and pay application fees as

1 established by the board, which application shall provide the
2 person's state contractor registration number and establish
3 that the person meets the minimum requirements adopted by the
4 board.

5 (2) Maintain a permanent place of business.

6 (3) Hold a solar thermal professional license or employ at
7 least one person holding a solar thermal professional license
8 under this chapter.

9 Sec. 13. Section 105.19, subsection 2, Code 2011, is amended
10 to read as follows:

11 2. If the applicant is engaged in plumbing, HVAC,
12 refrigeration, or hydronic, or solar thermal work individually
13 through a business conducted as a sole proprietorship, the
14 applicant shall personally obtain the insurance and surety
15 bond required by this section. If the applicant is engaged
16 in the plumbing, HVAC, refrigeration, or hydronic, or solar
17 thermal business as an employee or owner of a legal entity,
18 then the insurance and surety bond required by this section
19 shall be obtained by the entity and shall cover all plumbing,
20 or mechanical, or solar thermal work performed by the entity.

21 Sec. 14. Section 105.21, Code 2011, is amended to read as
22 follows:

23 **105.21 Reciprocal licenses.**

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

1 Sec. 15. Section 105.22, unnumbered paragraph 1, Code 2011,
2 is amended to read as follows:

3 A license to practice as a contractor or as a plumbing, HVAC,
4 refrigeration, or hydronic, or solar thermal professional may
5 be revoked or suspended, or an application for licensure may be
6 denied pursuant to procedures established pursuant to chapter
7 272C by the board, or the licensee may be otherwise disciplined
8 in accordance with that chapter, when the licensee commits any
9 of the following acts or offenses:

10 Sec. 16. Section 105.22, subsection 8, Code 2011, is amended
11 to read as follows:

12 8. Aiding and abetting a person who is not licensed pursuant
13 to this chapter in that person's pursuit of an unauthorized and
14 unlicensed plumbing, HVAC, refrigeration, or hydronic, or solar
15 thermal professional practice.

16 Sec. 17. Section 105.25, subsections 1 and 3, Code 2011, are
17 amended to read as follows:

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

22 3. A person who fraudulently claims to be a licensed
23 contractor or a licensed plumbing, HVAC, refrigeration, solar
24 thermal, or hydronic professional pursuant to this chapter,
25 either in writing, cards, signs, circulars, advertisements, or
26 other communications, is guilty of a simple misdemeanor.

27 Sec. 18. Section 272C.1, subsection 6, paragraph ae, Code
28 2011, is amended to read as follows:

29 ae. The plumbing, and mechanical, and solar thermal systems
30 board, created pursuant to chapter 105.

31 EXPLANATION

32 Iowa law (Code chapter 105) currently licenses persons
33 who design, install, and repair the HVAC, refrigeration, or
34 hydronic systems, or serve as contractors of such systems.
35 Licenses are available either individually or in combination.

1 The profession is regulated by a licensing board under the
2 aegis of the department of public health.

3 This bill adds licenses for solar thermal professionals and
4 contractors to Code chapter 105. A solar thermal professional
5 is a person who designs, installs, alters, repairs, maintains,
6 relocates, or replaces a solar heating system and any apparatus
7 or equipment used in connection with the system. The bill adds
8 to the membership of the licensing board one person who is a
9 solar thermal professional.

10 Unlike plumbing, HVAC, refrigeration, and hydronic licenses,
11 licensure as a solar thermal professional is not broken into
12 apprentice, journeyperson, or master categories. Licensure as
13 a solar thermal professional requires that the applicant:

- 14 1) Pay application fees as established by the board.
- 15 2) Meet the minimum educational and practical experience
16 requirements adopted by the board in rule.

17 Licensure as a solar thermal contractor requires that the
18 applicant:

- 19 1) Pay application fees as established by the board.
- 20 2) Provide the applicant's state contractor registration
21 number and meet the minimum requirements adopted by the board.
- 22 3) Maintain a permanent place of business.
- 23 4) Hold a solar thermal professional license or employ at
24 least one person holding a solar thermal professional license
25 under Code chapter 105.

26 Currently, a violation of Code chapter 105 is a simple
27 misdemeanor. A simple misdemeanor is punishable by confinement
28 for no more than 30 days or a fine of at least \$65 but not more
29 than \$625 or both. In addition, the board may impose a civil
30 penalty not to exceed \$5,000 per offense for certain violations
31 of Code chapter 105.