

House Study Bill 189 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the licensing of plumbing, mechanical,
2 HVAC-refrigeration, sheet metal, or hydronic professionals
3 and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 91C.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. A contractor licensed under chapter
4 105 shall be exempt from having to register in Iowa as
5 a contractor under this chapter. The Iowa department of
6 workforce development shall work with the Iowa department of
7 public health to ensure that the workers' compensation and
8 unemployment insurance information provided on the contractor
9 license application is valid. The labor commissioner shall not
10 accept contractor registration applications from contractors
11 who are required to be licensed under chapter 105.

12 Sec. 2. Section 105.2, subsections 1, 3, 6, 9, 10, 11, 12,
13 and 17, Code 2013, are amended to read as follows:

14 1. "*Apprentice*" means any person, other than a helper,
15 journeyperson, or master, who, as a principal occupation,
16 is engaged in working as an employee of a plumbing, HVAC,
17 ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or
18 hydronic systems contractor under the direct supervision of
19 either a master or a journeyperson and is progressing toward
20 completion of an apprenticeship training program registered by
21 the office of apprenticeship of the United States department of
22 labor while learning and assisting in the design, installation,
23 and repair of plumbing, HVAC, refrigeration, sheet metal, or
24 hydronic systems, as applicable.

25 3. "*Contractor*" means a person or entity that provides
26 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
27 hydronic systems services on a contractual basis and who is
28 paid a predetermined amount under that contract for rendering
29 those services.

30 6. "*Helper*" means a person engaged in general manual
31 labor activities who provides assistance to an apprentice,
32 journeyperson, or master while under the direct supervision of
33 a journeyperson or master.

34 9. "*Journeyperson*" means any person, other than a master,
35 who, as a principal occupation, is engaged as an employee of,

1 or otherwise working under the direction of, a master in the
2 design, installation, and repair of plumbing, mechanical, HVAC,
3 refrigeration, sheet metal, or hydronic systems, as applicable.

4 10. "*Master*" means any person who works in the planning
5 or superintending of the design, installation, or repair of
6 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
7 hydronic systems and is otherwise lawfully qualified to conduct
8 the business of plumbing, mechanical, HVAC, refrigeration,
9 sheet metal, or hydronic systems, and who is familiar with the
10 laws and rules governing the same.

11 11. "*Mechanical professional*" means a person engaged in the
12 HVAC, refrigeration, sheet metal, or hydronic industry.

13 12. "*Mechanical systems*" means HVAC, refrigeration, sheet
14 metal, and hydronic systems.

15 17. "*Routine maintenance*" means the maintenance, repair,
16 or replacement of existing fixtures or parts of plumbing,
17 mechanical, HVAC, refrigeration, sheet metal, or hydronic
18 systems in which no changes in original design are made.
19 Fixtures or parts do not include smoke and fire dampers, or
20 water, gas, or steam piping permanent repairs except for traps
21 or strainers. "*Routine maintenance*" shall include emergency
22 repairs, and the board shall define the term "*emergency repairs*"
23 to include the repair of water pipes to prevent imminent
24 damage to property. "*Routine maintenance*" does not include the
25 replacement of furnaces, boilers, cooling appliances, or water
26 heaters more than one hundred gallons in size.

27 Sec. 3. Section 105.2, Code 2013, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 18. "*Sheet metal*" means heating,
30 ventilation, air conditioning, fume hood systems, and related
31 ducted systems, or installation of equipment associated
32 with any component of a sheet metal system, for purposes of
33 pollution control. "*Sheet metal*" excludes refrigeration and
34 electrical lines and all natural gas, propane, liquid propane,
35 or other gas lines associated with any component of a sheet

1 metal system.

2 Sec. 4. Section 105.3, subsection 2, paragraph a,
3 unnumbered paragraph 1, Code 2013, is amended to read as
4 follows:

5 The board shall be comprised of ~~eleven~~ nine members,
6 appointed by the governor, as follows:

7 Sec. 5. Section 105.3, subsection 2, paragraph a,
8 subparagraphs (1) and (2), Code 2013, are amended by striking
9 the subparagraphs.

10 Sec. 6. Section 105.3, subsection 7, Code 2013, is amended
11 to read as follows:

12 7. The board may maintain a membership in any national
13 organization of state boards for the professions of plumbing,
14 mechanical, HVAC, refrigeration, sheet metal, or hydronic
15 professionals, with all membership fees to be paid from funds
16 appropriated to the board.

17 Sec. 7. Section 105.4, subsection 1, Code 2013, is amended
18 to read as follows:

19 1. The board shall establish by rule a plumbing installation
20 code governing the installation of plumbing in this state.
21 The board shall adopt the most current version of the uniform
22 plumbing code and the international mechanical code, as the
23 state plumbing code and the state mechanical code, to govern
24 the installation of plumbing and mechanical systems in this
25 state. The board shall adopt the current version of each code
26 within six months of its being released. However, the board
27 and local jurisdictions may adopt standards that are more
28 restrictive. Local jurisdictions shall have until December
29 31, 2014, to comply with the state plumbing code and state
30 mechanical code.

31 Sec. 8. Section 105.9, subsections 6, 7, and 8, Code 2013,
32 are amended by striking the subsections.

33 Sec. 9. Section 105.10, subsections 1 and 2, Code 2013, are
34 amended to read as follows:

35 1. Except as provided in section 105.11, a person shall

1 not operate as a contractor or install or repair plumbing,
2 mechanical, HVAC, refrigeration, sheet metal, or hydronic
3 systems without obtaining a license issued by the board, or
4 install or repair medical gas piping systems without obtaining
5 a valid certification approved by the board.

6 2. Except as provided in section 105.11, a person shall not
7 engage in the business of designing, installing, or repairing
8 plumbing, mechanical, HVAC, refrigeration, sheet metal, or
9 hydronic systems unless at all times a licensed master, who
10 shall be responsible for the proper designing, installing, and
11 repairing of the HVAC, refrigeration, sheet metal, or hydronic
12 system, is employed by the person and is actively in charge of
13 the plumbing, mechanical, HVAC, refrigeration, sheet metal, or
14 hydronic work of the person. An individual who performs such
15 work pursuant to a business operated as a sole proprietorship
16 shall be a licensed master in the applicable discipline.

17 Sec. 10. Section 105.10, subsection 3, Code 2013, is amended
18 by striking the subsection and inserting in lieu thereof the
19 following:

20 3. An individual holding a master mechanical license shall
21 not be required to get a mechanical, HVAC-refrigeration,
22 sheet metal, or hydronic license in order to design, install,
23 or repair the work defined in this chapter as mechanical,
24 HVAC-refrigeration, sheet metal, or hydronic work. An
25 individual holding a journey mechanical license shall not be
26 required to get a mechanical, HVAC-refrigeration, sheet metal,
27 or hydronic license in order to install and repair the work
28 defined in this chapter as mechanical, HVAC-refrigeration,
29 sheet metal, or hydronic work. An individual holding a master
30 or journey mechanical license shall also not be required to
31 obtain a special, restricted license that is designated as a
32 sublicense of the mechanical, HVAC-refrigeration, sheet metal,
33 or hydronic licenses.

34 Sec. 11. Section 105.11, subsections 1, 7, and 10, Code
35 2013, are amended to read as follows:

1 1. Apply to a person licensed as an engineer pursuant to
2 chapter 542B, licensed as a manufactured home retailer or
3 certified as a manufactured home installer pursuant to chapter
4 103A, registered as an architect pursuant to chapter 544A, or
5 licensed as a landscape architect pursuant to chapter 544B
6 who provides consultations or develops plans or other work
7 concerning plumbing, HVAC, refrigeration, sheet metal, or
8 hydronic work and who is exclusively engaged in the practice of
9 the person's profession.

10 7. Require a helper engaged in general manual labor
11 activities while providing assistance to an apprentice,
12 journeyman, or master to obtain a plumbing, HVAC,
13 ~~refrigeration~~, mechanical, HVAC-refrigeration, sheet metal,
14 or hydronic license. Experience as a helper shall not be
15 considered as practical experience for a journeyman license.

16 10. Apply to the employees of manufacturers, manufacturer
17 representatives, or wholesale suppliers who provide
18 consultation or develop plans concerning plumbing, HVAC,
19 refrigeration, sheet metal, or hydronic work, or who assist
20 a person licensed under this chapter in the installation of
21 mechanical or plumbing systems.

22 Sec. 12. Section 105.12, subsection 1, Code 2013, is amended
23 to read as follows:

24 1. A contracting, plumbing, HVAC, ~~refrigeration~~,
25 mechanical, HVAC-refrigeration, sheet metal, or hydronic
26 license shall be in the form of a certificate under the seal of
27 the department, signed by the director of public health, and
28 shall be issued in the name of the board. The license number
29 shall be noted on the face of the license.

30 Sec. 13. Section 105.15, Code 2013, is amended to read as
31 follows:

32 **105.15 Registry of licenses.**

33 The name, location, license number, and date of issuance of
34 the license of each person to whom a license has been issued
35 shall be entered in a registry kept in the office of the

1 department to be known as the plumbing, ~~HVAC, refrigeration,~~
2 mechanical, HVAC-refrigeration, sheet metal, or hydronic
3 registry. The registry may be electronic and shall be open
4 to public inspection; ~~however.~~ However, the licensee's home
5 address, home telephone number, and other personal information
6 as determined by rule shall be confidential.

7 Sec. 14. Section 105.16, Code 2013, is amended to read as
8 follows:

9 **105.16 Change of residence.**

10 If a person licensed to practice as a contractor or a
11 plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration,
12 sheet metal, or hydronic professional under this chapter
13 changes the person's residence or place of practice, the person
14 shall so notify the board.

15 Sec. 15. Section 105.17, Code 2013, is amended to read as
16 follows:

17 **105.17 Preemption of local licensing requirements.**

18 1. The provisions of this chapter regarding the licensing of
19 plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration,
20 sheet metal, and hydronic professionals and contractors shall
21 supersede and preempt all plumbing, ~~HVAC, refrigeration,~~
22 mechanical, HVAC-refrigeration, sheet metal, hydronic,
23 and contracting licensing provisions of all governmental
24 subdivisions.

25 *a.* ~~A governmental subdivision that issues licenses on~~
26 ~~July 1, 2008, shall continue to issue licenses until June 30,~~
27 ~~2009.~~ On July 1, 2009, all plumbing and mechanical licensing
28 provisions promulgated by any governmental subdivision shall
29 be null and void, except reciprocal licenses as provided in
30 section 105.21, and of no further force and effect.

31 *b.* On and after July 1, 2008, a governmental subdivision
32 shall not prohibit a contractor or a plumbing, ~~HVAC,~~
33 ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal,
34 or hydronic professional licensed pursuant to this chapter
35 from performing services for which that person is licensed

1 pursuant to this chapter or enforce any plumbing and
2 mechanical licensing provisions promulgated by the governmental
3 subdivision against a person licensed pursuant to this chapter.

4 2. Nothing in this chapter shall prohibit a governmental
5 subdivision from assessing and collecting permit fees or
6 inspection fees related to work performed by ~~plumbers and~~
7 mechanical plumbing, mechanical, HVAC-refrigeration, sheet
8 metal, or hydronic professionals.

9 Sec. 16. Section 105.18, subsection 2, unnumbered paragraph
10 1, Code 2013, is amended to read as follows:

11 The board shall issue ~~separate master and contractor~~
12 licenses for plumbing, HVAC, ~~refrigeration mechanical,~~
13 HVAC-refrigeration, sheet metal, and hydronic professionals
14 ~~and for contractors.~~ The board shall issue apprentice
15 and journeyman licenses for plumbing, mechanical,
16 HVAC-refrigeration, sheet metal, and hydronic professionals.
17 A plumbing license shall allow an individual to perform work
18 defined as plumbing. A mechanical license shall allow an
19 individual to perform work defined as HVAC, refrigeration,
20 sheet metal, and hydronic. An HVAC-refrigeration license
21 shall allow an individual to perform work defined as HVAC and
22 refrigeration. A hydronic license shall allow an individual to
23 perform work defined as hydronic. A sheet metal license shall
24 allow an individual to perform work defined as sheet metal.
25 The board shall issue the separate licenses as follows:

26 Sec. 17. Section 105.18, subsection 2, paragraph a,
27 subparagraph (2), Code 2013, is amended to read as follows:

28 (2) Certify that the person will work under the direct
29 supervision of a licensed journeyman or master ~~in the~~
30 ~~applicable discipline~~ who is licensed to do the type of
31 work that the apprentice is performing. For the purposes of
32 this chapter, direct supervision means that the supervising
33 journeyman or master is on the same job site as the
34 apprentice.

35 Sec. 18. Section 105.18, subsection 2, paragraph d,

1 subparagraph (1), Code 2013, is amended to read as follows:

2 (1) File an application and pay application fees as
3 established by the board, which application shall provide ~~the~~
4 ~~person's state contractor registration number~~ proof of workers'
5 compensation insurance coverage and unemployment insurance
6 compliance and establish that the person meets the minimum
7 requirements adopted by the board.

8 Sec. 19. Section 105.18, subsection 3, paragraph b, Code
9 2013, is amended to read as follows:

10 *b. Special, restricted license.* The board may by rule
11 provide for the issuance of special plumbing and mechanical
12 professional licenses authorizing the licensee to engage in a
13 limited class or classes of plumbing or mechanical professional
14 work, which class or classes shall be specified on the license.
15 Each licensee shall have experience, acceptable to the board,
16 in each such limited class for which the person is licensed.
17 The board shall designate each special, restricted license to
18 be a sublicense of either a plumbing, ~~HVAC, refrigeration,~~
19 mechanical, HVAC-refrigeration, sheet metal, or hydronic
20 license. A special, restricted license may be a sublicense of
21 multiple types of licenses. An individual holding a master
22 or journeyman, plumbing, ~~HVAC, refrigeration,~~ mechanical,
23 HVAC-refrigeration, sheet metal, or hydronic license shall not
24 be required to obtain any special, restricted license which is
25 a sublicense of the license that the individual holds. Special
26 plumbing and mechanical professional licenses shall be issued
27 to employees of a rate-regulated gas or electric public utility
28 who conduct the repair of appliances. "*Repair of appliances*"
29 means the repair or replacement of mechanical connections
30 between the appliance shutoff valve and the appliance and
31 repair of or replacement of parts to the appliance. Such
32 special, restricted license shall require certification
33 pursuant to industry-accredited certification standards.

34 Sec. 20. Section 105.18, subsection 3, paragraph d, Code
35 2013, is amended to read as follows:

1 *d.* An individual that holds either a master or
2 journeyperson ~~HVAC license or a master or journeyperson~~
3 ~~refrigeration~~ mechanical license or a master or journeyperson
4 HVAC-refrigeration license shall be exempt from having to
5 obtain a special electrician's license pursuant to chapter 103
6 in order to perform disconnect and reconnect of existing air
7 conditioning and refrigeration systems.

8 Sec. 21. Section 105.18, subsections 4 and 5, Code 2013, are
9 amended by striking the subsections.

10 Sec. 22. Section 105.21, Code 2013, is amended to read as
11 follows:

12 **105.21 Reciprocal licenses.**

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

25 Sec. 23. Section 105.22, unnumbered paragraph 1, Code 2013,
26 is amended to read as follows:

27 A license to practice as a contractor or as a plumbing, ~~HVAC,~~
28 ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal,
29 or hydronic professional may be revoked or suspended, or an
30 application for licensure may be denied pursuant to procedures
31 established pursuant to chapter 272C by the board, or the
32 licensee may be otherwise disciplined in accordance with that
33 chapter, when the licensee commits any of the following acts
34 or offenses:

35 Sec. 24. Section 105.25, Code 2013, is amended to read as

1 follows:

2 **105.25 Advertising — violations — penalties.**

3 1. Only a person who is duly licensed pursuant to this
4 chapter may advertise the fact that the person is licensed as a
5 contractor or as a plumbing, HVAC, ~~refrigeration,~~ mechanical,
6 HVAC-refrigeration, sheet metal, or hydronic professional by
7 the state of Iowa.

8 2. All written advertisements distributed in this state by a
9 person who is engaged in the business of designing, installing,
10 or repairing plumbing, HVAC, refrigeration, sheet metal, or
11 hydronic systems shall include the listing of ~~at least one~~
12 ~~master~~ the contractor license number, as applicable. ~~A master~~
13 ~~plumbing, HVAC, refrigeration, or hydronic professional shall~~
14 ~~not allow the master's license number to be used in connection~~
15 ~~with the advertising for more than one person engaged in the~~
16 ~~business of designing, installing, or repairing plumbing, HVAC,~~
17 ~~refrigeration, or hydronic systems.~~

18 3. A person who fraudulently claims to be a licensed
19 contractor or a licensed plumbing, HVAC, ~~refrigeration,~~
20 mechanical, HVAC-refrigeration, sheet metal, or hydronic
21 professional pursuant to this chapter, either in writing,
22 cards, signs, circulars, advertisements, or other
23 communications, is guilty of a simple misdemeanor.

24 4. A person who fraudulently lists a contractor ~~or a master~~
25 ~~plumbing, HVAC, refrigeration,~~ mechanical, HVAC-refrigeration,
26 sheet metal, or hydronic license number in connection with
27 that person's advertising or falsely displays a contractor
28 ~~or a master~~ plumbing, HVAC, ~~refrigeration,~~ mechanical,
29 HVAC-refrigeration, sheet metal, or hydronic professional
30 license number is guilty of a simple misdemeanor. ~~In order~~
31 ~~to be entitled to use a license number of a master plumbing,~~
32 ~~HVAC, refrigeration, or hydronic professional, the master~~
33 ~~plumbing, HVAC, refrigeration, or hydronic professional must be~~
34 ~~employed by the person in whose name the business of designing,~~
35 ~~installing, or repairing plumbing or mechanical systems is~~

1 ~~being conducted.~~

2 Sec. 25. Section 105.29, Code 2013, is amended to read as
3 follows:

4 **105.29 Report of violators.**

5 Every licensee and every member of the board shall report
6 to the board the name of every person who is practicing
7 as a contractor or as a ~~plumber or plumbing,~~ mechanical,
8 HVAC-refrigeration, sheet metal, or hydronic professional
9 without a license issued pursuant to this chapter pursuant
10 to the knowledge or reasonable belief of the person making
11 the report. The opening of an office or place of business
12 for the purpose of providing any services for which a license
13 is required by this chapter, the announcing to the public in
14 any way the intention to provide any such service, the use of
15 any professional designation, or the use of any sign, card,
16 circular, device, vehicle, or advertisement, as a provider of
17 any such services shall be prima facie evidence of engaging
18 in the practice of a contractor or a ~~plumber or plumbing,~~
19 mechanical, HVAC-refrigeration, sheet metal, or hydronic
20 professional.

21 Sec. 26. NEW SECTION. **105.31 Licenses.**

22 1. License expiration.

23 a. All licenses currently in effect shall expire on December
24 31, 2014. Licenses set to expire after that date, when renewed
25 under the provisions of paragraph "c", shall be renewed at a
26 reduced rate to reflect the portion of the three-year period
27 paid for under the previous license.

28 b. Any license that is currently set to expire before
29 December 31, 2014, shall remain in effect, at no additional
30 charge or fee, until December 31, 2014.

31 c. A license issued on or after January 1, 2015, will expire
32 on the same date every three years. A person issued a license
33 during a three-year licensing cycle shall be charged a fee
34 prorated in quarterly increments.

35 2. License reissue.

1 *a.* A licensee holding an HVAC license or a refrigeration
2 license shall be issued an HVAC-refrigeration license.

3 *b.* A licensee holding both an HVAC license and a hydronic
4 license shall be issued a mechanical license.

5 *c.* A licensee holding both a refrigeration license and a
6 hydronic license shall be issued a mechanical license.

7 *d.* A licensee holding an HVAC license or a refrigeration
8 license may take the hydronic test before December 31, 2014, in
9 order to be issued a mechanical license.

10

EXPLANATION

11 This bill redefines plumbing, HVAC, refrigeration, or
12 hydronic systems professionals as plumbing, mechanical,
13 HVAC-refrigeration, sheet metal, or hydronic professionals.
14 The bill provides the following:

15 *a.* A licensee holding an HVAC license or refrigeration
16 license shall be issued an HVAC-refrigeration license.

17 *b.* A licensee holding an HVAC license and a hydronic
18 license shall be issued a mechanical license.

19 *c.* A licensee holding a refrigeration license and a
20 hydronic license shall be issued a mechanical license.

21 *d.* A licensee holding an HVAC license or a refrigeration
22 license may take the hydronic test and be issued a mechanical
23 license.

24 The bill exempts these professionals from the contractor
25 registration requirements of Code chapter 91C. The Iowa
26 department of workforce development is to work with the
27 Iowa department of public health to ensure that the workers'
28 compensation and unemployment insurance information provided on
29 the contractor license application is valid.

30 The bill provides that all licenses currently in effect
31 expire on December 31, 2014. Licenses set to expire after
32 that date may be renewed at a reduced rate. Licenses that are
33 currently set to expire before December 31, 2014, shall remain
34 in effect, at no additional charge, until December 31, 2014.

35 The bill provides that all licenses issued on or after

1 January 1, 2015, will expire on the same date every three
2 years. Licenses issued during a three-year licensing cycle
3 shall have the fee prorated in quarterly increments.

4 In addition to the administrative penalties set out in
5 Code chapter 272C, relating to licensees, Code chapter 105
6 makes it a simple misdemeanor for a person to claim to be a
7 mechanical, HVAC, refrigeration, sheet metal, or hydronic
8 contractor or professional. A simple misdemeanor is punishable
9 by confinement for no more than 30 days or a fine of at least
10 \$65 but not more than \$625 or both.