

**Senate Study Bill 1190 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**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

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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.