

House Study Bill 98 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act modifying provisions applicable to individuals licensed
2 by the plumbing and mechanical systems board, providing for
3 state inspections of certain plumbing and mechanical system
4 installations, making penalties applicable, and including
5 effective date provisions.

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

1 Section 1. Section 105.2, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. *"Farm"* means land, buildings, and
4 structures used for agricultural purposes including but not
5 limited to the storage, handling, and drying of grain and the
6 care, feeding, and housing of livestock.

7 Sec. 2. Section 105.2, subsection 17, Code 2023, is amended
8 to read as follows:

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

21 Sec. 3. Section 105.9, subsection 5, paragraph a, Code 2023,
22 is amended by striking the paragraph.

23 Sec. 4. Section 105.11, Code 2023, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 15. Apply to a person performing any
26 installation on a farm, if the person is associated with the
27 farm as a holder of a legal or equitable interest, a relative
28 or employee of the holder, or an operator or manager of the
29 farm. The provisions of this chapter do not require such
30 person to be licensed. In addition, a permit is not required
31 for an installation on a farm, and an installation on a farm
32 is not required to be inspected. In order for a farm building
33 to qualify under this subsection, the farm building must not
34 be regularly open to the public as a place of business for the
35 retail sale of goods, wares, services, or merchandise.

1 Sec. 5. Section 105.18, subsection 2, paragraph a,
2 subparagraph (1), Code 2023, is amended to read as follows:

3 (1) File an application, which application shall establish
4 that the person meets the minimum requirements adopted by the
5 board, including the receipt of a high school diploma or its
6 equivalent.

7 Sec. 6. Section 105.18, subsection 2, paragraph b,
8 subparagraph (1), subparagraph division (c), Code 2023, is
9 amended to read as follows:

10 (c) Provide the board with evidence of having completed
11 at least four years of practical experience as an apprentice.
12 Commencing January 1, 2010, the four years of practical
13 experience required by this subparagraph division must be the
14 completion of an apprenticeship training program registered by
15 the United States department of labor office of apprenticeship,
16 as evidenced by a certificate of completion from the department
17 of labor.

18 Sec. 7. NEW SECTION. 105.33 **State inspection —**
19 **applicability.**

20 1. The inspection and enforcement provisions of this
21 chapter shall apply to the following:

22 a. All new installations of plumbing or mechanical
23 systems for commercial or industrial applications, including
24 installations both inside and outside of a building.

25 b. All new installations of plumbing or mechanical systems
26 that serve government-owned or government-leased facilities by
27 a person who is not an employee of any unit of state or local
28 government.

29 c. All new installations of plumbing or mechanical
30 systems for multi-family residential applications, including
31 installations for an apartment or building as those terms are
32 defined in section 499B.2.

33 d. All new installations of plumbing or mechanical systems
34 for single-family residential applications requiring new
35 plumbing or mechanical systems service equipment.

1 e. Existing installations of plumbing or mechanical systems
2 observed during inspection which constitute a hazard to the
3 property owner. Existing installations shall not be deemed
4 to constitute a hazard if the installation when originally
5 installed was installed in accordance with the applicable state
6 plumbing code or state mechanical code in force at the time of
7 installation and has been maintained in that condition.

8 f. All installations of plumbing or mechanical systems
9 performed at the request of a property owner.

10 2. The inspection and enforcement provisions of this
11 chapter shall not apply to routine maintenance.

12 Sec. 8. NEW SECTION. 105.34 Plumbing or mechanical
13 inspectors.

14 The board shall establish by rule standards for the
15 certification and decertification of plumbing and mechanical
16 inspectors employed by the state to enforce this chapter
17 and standards for the continuing education requirements for
18 plumbing and mechanical inspectors employed by the state to
19 enforce this chapter. The standards established by the board
20 shall conform to one of the following:

21 1. The standards applicable to a person seeking to be
22 licensed by the board as a master pursuant to section 105.18 in
23 the category being inspected.

24 2. The standards applicable to a person seeking to be
25 licensed by the board as a journeyperson pursuant to section
26 105.18 in the category being inspected.

27 3. The standards applicable to a plumbing or mechanical
28 inspector in the category being inspected who was appointed by
29 a political subdivision on or before January 1, 2024.

30 Sec. 9. NEW SECTION. 105.35 Request for permit and
31 inspection — fees.

32 1. At or before commencement of any installation required
33 to be inspected by the board, the licensed contractor or
34 property owner making such installation shall submit to the
35 board a request for a permit and inspection. The board shall

1 prescribe the methods by which the request may be submitted,
2 which shall include an electronic submission option or through
3 a form prescribed by the board that can be submitted either
4 through the mail or by a fax transmission. The board shall
5 also prescribe methods by which the permit and inspection fees
6 established pursuant to section 105.40 can be paid, which shall
7 include electronic methods of payment. If the board becomes
8 aware that a person has failed to file a necessary request for
9 inspection, the board shall send a written notification by
10 certified mail that the request must be filed within fourteen
11 days. Any person filing a late request for inspection shall
12 pay a delinquency fee in an amount to be determined by the
13 board. A person who fails to file a late request within
14 fourteen days from receipt of the notification shall be subject
15 to a civil penalty to be determined by the board by rule.

16 2. Notwithstanding subsection 1, the board may by rule
17 provide for the issuance of a single permit to a licensed
18 contractor or property owner to request multiple inspections.
19 The permit authorizes the licensed contractor or property owner
20 to perform new plumbing or mechanical system installations
21 specified in the permit. The board shall prescribe the methods
22 by which the request for multiple inspections may be submitted,
23 which shall include electronic submission or through a form
24 prescribed by the board that can be submitted either through
25 the mail or by a fax transmission. The board shall also
26 prescribe methods by which the permit and inspection fees
27 established pursuant to section 105.40 can be paid, which
28 shall include electronic methods of payment. The board may
29 perform inspections of each new plumbing or mechanical system
30 installation or any portion of the total number of new plumbing
31 or mechanical system installations made under each permit. The
32 board shall establish fees for such permits as provided in
33 section 105.40, which shall not exceed the total inspection
34 fees that would be required if each new installation performed
35 under the request for multiple inspections had been performed

1 under individual requests for inspections as provided in
2 subsection 1.

3 Sec. 10. NEW SECTION. 105.36 **Approval of installation upon**
4 **inspection — opportunity to correct noncompliance.**

5 1. If an inspector determines that an installation subject
6 to inspection under this chapter is in compliance with accepted
7 standards of construction for health safety and property
8 safety, based upon minimum standards established by the board
9 pursuant to section 105.39, subsection 3, the inspector shall
10 approve the installation.

11 2. If an inspector finds that any installation or portion of
12 an installation is not in compliance with accepted standards of
13 construction for health safety and property safety, based upon
14 minimum standards established by the board, the inspector shall
15 issue a correction order. A correction order made pursuant to
16 this section shall be served personally or by United States
17 mail only upon the licensed contractor or property owner
18 making the installation. The correction order shall order the
19 licensed contractor or property owner to make the installation
20 comply with the standards, noting specifically what changes
21 are required. The order shall specify a date, not more than
22 seventeen calendar days from the date of the order, when a new
23 inspection shall be made. When the installation is brought
24 into compliance to the satisfaction of the inspector, the
25 inspector shall approve the installation.

26 Sec. 11. NEW SECTION. 105.37 **Inspections not required.**

27 1. Nothing in this chapter shall be construed to require
28 the work of employees of municipal utilities, railroads, or
29 rural water associations or districts to be inspected while the
30 employees are acting within the scope of their employment.

31 2. The board may by rule exempt specified types of new
32 plumbing or mechanical system installations from state
33 inspection which are not described in section 105.33,
34 subsection 1, provided that a political subdivision conducting
35 inspections pursuant to section 105.38, subsection 1, shall not

1 be prohibited from requiring inspection of any new plumbing
2 or mechanical system installation exempt by rule from state
3 inspection pursuant to this subsection.

4 Sec. 12. NEW SECTION. 105.38 **Inspection by political**
5 **subdivisions.**

6 1. State inspection in the applicable discipline shall not
7 apply within the jurisdiction of any political subdivision
8 which provides plumbing or mechanical system inspection
9 services for the inspection of installations specified in
10 section 105.33, subsection 1.

11 2. A political subdivision providing inspection services
12 pursuant to subsection 1 may require the inspection of plumbing
13 or mechanical system installations which are not described in
14 section 105.33, subsection 1, in addition to the installations
15 described in section 105.33, subsection 1.

16 3. A political subdivision that performs inspections may
17 set appropriate permit fees to pay for such inspections.

18 4. A political subdivision may choose to discontinue
19 performing its own inspections and permit the board to have
20 jurisdiction over inspections in the political subdivision.
21 If a political subdivision seeks to discontinue its own
22 inspections, the political subdivision shall notify the board
23 in a timely manner.

24 5. A political subdivision shall report to the board in a
25 timely manner the name of every person who is believed to be
26 practicing as a plumbing or mechanical professional without
27 a license issued pursuant to this chapter. The board shall
28 investigate each report received and submit the investigation
29 results to the political subdivision in a timely manner.

30 6. A political subdivision shall not perform inspection
31 services pursuant to subsection 1 on a farm or farm residence.

32 Sec. 13. NEW SECTION. 105.39 **State inspection —**
33 **procedures.**

34 1. An inspection shall be made within three business days
35 of the submission of a request for an inspection as provided

1 in section 105.35. When necessary, plumbing and mechanical
2 systems may be connected by the licensed installer prior to
3 inspection but the installation shall remain subject to any
4 appropriate restrictions or limitations as determined by the
5 board.

6 2. Where plumbing or mechanical systems or parts are
7 to be concealed, the inspector must be notified within a
8 reasonable time, as determined by the board, to complete
9 rough-in inspections prior to concealment, exclusive of
10 Saturdays, Sundays, and holidays. If plumbing or mechanical
11 systems or parts are concealed before rough-in inspections
12 without adequate notice having been given to the inspector,
13 as determined by the board, the person responsible for having
14 enclosed the system or part shall be responsible for all costs
15 resulting from uncovering and replacing the cover material.

16 3. State inspection procedures and policies shall be
17 established by the board in accordance with the provisions of
18 the state plumbing code and state mechanical code adopted by
19 the board.

20 4. Except when an inspection reveals that an installation or
21 portion of an installation is not in compliance with accepted
22 standards of construction for health safety and property
23 safety, based upon minimum standards established by the board,
24 an inspector shall not add to, modify, or amend a construction
25 plan as originally approved by the board in the course of
26 conducting an inspection.

27 5. Management and supervision of inspectors, including
28 hiring decisions, disciplinary action, promotions, and work
29 schedules are the responsibility of the board acting in
30 accordance with applicable law and pursuant to any applicable
31 collective bargaining agreement. The board shall determine
32 work territories, regions, or districts for inspectors
33 and continuing education and ongoing training requirements
34 applicable to inspectors. An inspector subject to disciplinary
35 action pursuant to this subsection shall be entitled to an

1 appeal pursuant to section 105.41 and judicial review pursuant
2 to section 17A.19.

3 6. The board shall establish an internet-based licensure
4 verification database for access by a state or local inspector
5 for verification of licensee status. The database shall
6 include the name of every person licensed under this chapter
7 and a corresponding licensure number. Inspectors shall be
8 authorized to request the name and license number of any person
9 working at a job site subject to inspection for verification
10 of licensee status. Licensees under this chapter shall be
11 required to carry a copy of their current license and photo
12 identification at all times when employed on a job site for
13 compliance with this subsection.

14 Sec. 14. NEW SECTION. 105.40 State permits and inspections
15 — fees.

16 1. All state plumbing and mechanical system inspection fees
17 shall be due and payable to the board at or before commencement
18 of the installation and shall be forwarded with the request for
19 inspection. Inspection fees provided in this section shall
20 not apply within the jurisdiction of any political subdivision
21 if the political subdivision provides plumbing or mechanical
22 system inspection services for the inspection of installations
23 pursuant to section 105.38, subsection 1.

24 2. The board shall establish the fees for permits and
25 inspections required under this chapter.

26 Sec. 15. NEW SECTION. 105.41 State inspection — complaints
27 — appeals.

28 1. Any person may file a complaint with the board alleging
29 a violation of this chapter or rules adopted by the board. The
30 name of a person who files a complaint with the board shall
31 remain confidential and shall not be subject to discovery,
32 subpoena, or other means of legal compulsion for its release
33 to a person other than board employees or agents involved in
34 the investigation of the complaint. The board shall establish
35 procedures for the disposition of complaints received in

1 accordance with this subsection.

2 2. a. Any person aggrieved by an order of an inspector or
3 the board may appeal the order by filing a written notice of
4 appeal with the board within ten days after the date the order
5 was served upon the aggrieved person.

6 b. Upon receipt of a notice of appeal filed pursuant to
7 subsection 1, the board shall notify all interested parties
8 who may join in the hearing and give testimony on their own
9 behalf. The board shall set the hearing date not more than
10 fourteen days after receipt of the notice of appeal unless
11 otherwise agreed by the interested parties and the board. The
12 chairperson or executive secretary of the board may designate a
13 hearing officer from among the board members to hear the appeal
14 or may set the matter for hearing before the full board at its
15 next regular meeting. A majority of the board shall make the
16 decision on appeals.

17 Sec. 16. EFFECTIVE DATE. This Act takes effect July 1,
18 2025.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill modifies provisions in Code chapter 105, which
23 provides for the licensure and regulation of plumbers,
24 mechanical professionals, and contractors by the plumbing and
25 mechanical systems board.

26 The bill defines a "farm" to refer to land, buildings,
27 and structures used for agricultural purposes including but
28 not limited to the storage, handling, and drying of grain
29 and the care, feeding, and housing of livestock. The bill
30 modifies the definition of "routine maintenance" to remove a
31 provision stating that the term includes emergency repairs.
32 Additionally, the bill modifies the definition of "routine
33 maintenance" to provide that the term does not include the
34 replacement of furnaces, boilers, cooling appliances, or water
35 heaters, regardless of size.

1 The bill strikes Code section 105.9, subsection 5, paragraph
2 "a", which requires the plumbing and mechanical systems board
3 to submit a report including certain financial information to
4 the general assembly within 60 days of the end of a fiscal year
5 and potentially adjust its fee schedules based on the financial
6 information in the report.

7 The bill establishes that the provisions of Code chapter
8 105 shall not apply to a person performing an installation on
9 a farm, if the person is associated with the farm as a holder
10 of legal or equitable interest, a relative or employee of the
11 holder, or an operator or manager.

12 Current law provides that in order to be licensed by the
13 board as an apprentice, a person shall file an application that
14 establishes that the person meets the minimum requirements
15 adopted by the board. The bill provides that such minimum
16 requirements to be established in an application include the
17 receipt of a high school diploma or its equivalent.

18 Current law provides that in order to be licensed by the
19 board as a journeyman, a person shall provide evidence
20 of completing at least four years of practical experience
21 as an apprentice through an apprenticeship training program
22 registered by the United States department of labor. The
23 bill provides that such requirement must be evidenced by a
24 certificate of completion from the department of labor.

25 The bill adds provisions in Code chapter 105 which provide
26 for state inspection of certain plumbing or mechanical system
27 installations described in new Code section 105.33. The bill
28 provides that state inspection shall not apply to routine
29 maintenance.

30 The bill requires the board to establish standards for the
31 certification and decertification of plumbing and mechanical
32 inspectors appointed by the state or a political subdivision
33 to enforce the inspection provisions of the bill. The bill
34 provides that those standards shall conform to the standards
35 applicable to a person seeking to be licensed as a master or

1 a journey person, or the standards applicable to a plumbing or
2 mechanical inspector appointed by a political subdivision.

3 The bill establishes procedural requirements for a licensed
4 contractor or property owner making an installation to request
5 a permit and an inspection and allows the board to adopt rules
6 providing for the issuance of permits to a licensed contractor
7 or property owner for multiple inspections, as described in the
8 bill.

9 The bill provides that if an inspector determines that
10 an installation is in compliance with the accepted standards
11 of construction for health safety and property safety, based
12 on minimum standards established by the board, the inspector
13 shall approve the installation. If an inspector finds that an
14 inspection or portion thereof is not in compliance with such
15 standards, the inspector shall issue a correction order which
16 orders the licensed contractor or property owner to make the
17 installation comply with the standards and provides a date
18 when a new inspection shall be made. When the installation
19 is brought into compliance, the inspector shall approve the
20 installation.

21 The bill specifies that nothing in the bill shall be
22 construed to require the work of employees of municipal
23 utilities, railroads, or rural water associations or districts
24 to be inspected while acting within the scope of their
25 employment. The board may by rule exempt specified types of
26 new installations from the state inspection requirements,
27 provided that a political subdivision conducting inspections
28 shall not be prohibited from requiring inspection of such
29 installations.

30 The bill provides that state inspection shall not apply
31 within the jurisdiction of any political subdivision which
32 provides inspection services for installations subject to state
33 inspection. A political subdivision may require inspections
34 of installations not subject to state inspection, in addition
35 to installations subject to state inspection. Code section

1 105.38 also includes provisions regarding the discontinuance
2 of inspections by political subdivisions, the suspension or
3 revocation of inspections by political subdivisions, and
4 permit fees established by political subdivisions to pay for
5 inspections. The bill requires that a political subdivision
6 shall report to the board the name of every person who is
7 practicing as a plumbing or mechanical professional without
8 a license. Additionally, the bill excludes farms and farm
9 residences from inspections by a political subdivision.

10 The bill establishes certain state inspection procedural
11 requirements, including provisions relating to inspection
12 timing, installation concealment, state inspection procedures
13 and policies, construction plan modification, inspector
14 supervision, and the licensure verification database, as
15 described in the bill.

16 The bill requires the board to establish fees for permits and
17 inspections. Inspection fees are to be paid to the board at
18 or before the commencement of an inspection and included with
19 the request for inspection. Inspection fees shall not apply
20 to inspections within political subdivisions which provide for
21 inspections.

22 The bill authorizes any person to file a confidential
23 complaint with the board alleging a violation of the bill or
24 any rule adopted by the board and allows any person aggrieved
25 by an order of an inspector or the board to appeal the order by
26 filing a written notice of appeal with the board within 10 days
27 after the order was served. The bill also provides certain
28 procedural requirements for such an appeal, as described in the
29 bill.

30 Pursuant to current law, the board may impose a civil penalty
31 up to \$5,000 per offense upon a person who violates the bill,
32 following notice and an opportunity for a hearing.

33 The bill takes effect July 1, 2025.