



## BILL SUMMARY

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# Licensure of Plumbers SF 224

Status of Bill: House Calendar  
Committee: State Government: 15-4  
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### Background

Senate File makes changes to the law requiring statewide licensure of plumbers originally passed in 2007. The bill was passed by the Senate on a vote of 30 – 20 and passed out of the House State Government Committee on a vote of 15 – 4.

### Summary

This bill was brought by the Department of Public Health after Iowa Plumber and Mechanical Professional Licensure Board began their duties to implement the legislation. The board is requesting that the legislature make certain changes in the original law to address issues of concern that have been presented to them and to assist them with full implementation.

### Requires Contractors to be Licensed

The original legislation did not require that contractors be licensed. This bill requires contractors to be licensed by the board. The purpose of licensing the contractor is that the contractor will be the entity to hold the surety bond and insurance. Contractors will be given a grace period so they can continue to operate their business without employing a licensed master plumber. An applicant for a contractor license is required to provide proof of surety bond in an amount determined by the board and evidence of public liability insurance policy. Contractors are required to display their license in the primary place where the person practices. Contractors are required to notify the board if they have a change of residence or place of practice.

### Homeowners and Rental Property Owners

Homeowners are allowed to perform plumbing work on their own residence if the residence is an existing residence and not new construction. The residence cannot be larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities. In order to qualify for this exemption for licensure, the residence must qualify for the homestead tax credit.

Allows a rental property owner or employee to perform routine maintenance on the rental property.

### Hospital and Health Care facilities

Employees of hospitals or health care facilities are allowed to perform routine maintenance without being licensed. If employees of these facilities perform work that is beyond the definition of

routine maintenance, they must be licensed by the board. Routine maintenance is defined in the bill as the maintenance, repair, or replacement of existing fixtures or parts of plumbing, HVAC, refrigeration, or hydronic systems in which no changes in original design are made. It does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than 100 gallons in size.

### **Persons laying pipe**

Allows a person who lays pipe that originates or connects to pipe in the public right-of-way or property that is intended to become the public right-of-way, even if the pipe extends under the property of a building to perform this job without obtaining a license from the board. The person laying the pipe is not allowed to make any interior pipe connections within a building. Local jurisdictions may require licensure if it is required by a local ordinance, resolution, or by bidding specifications.

### **Installers of Geothermal Heat Pump Systems**

Requires the board, by rule, to issue a license for installers of geothermal heat pump systems that require certification as per industry accredited installer certification standards recognized by the department of energy.

### **Government Employees**

Provides that employees of any unit of state or local government, including but not limited to cities, counties, or school corporations, performing routine maintenance on a mechanical or plumbing system in a government-owned or government-leased facility are exempt from licensure while acting within the scope of their employment.

### **Special Restricted Licenses**

Allows the board, by rule, to issue a special, restricted license. Each licensee is required to have experience, acceptable to the board, in each limited class for which the person is licensed. Each license is required to be a sublicense of either a plumbing, HVAC, refrigeration, or hydronic license. An individual holding a master or journeyman, plumbing, HVAC, refrigeration or hydronic license is not required to obtain any special, restricted license which is a sublicense of the license the individual holds. The bill prohibits this type of license to be issued to employees of a rate-regulated gas or electric public utility that provides plumbing or mechanical services as part of a systematic marketing effort. **NOTE:** the amendment strikes this prohibition and allows these types of licenses to be issued to employees of rate-regulated gas or electric public utilities who are repairing appliances.

### **Types of Licenses Issued by the Board**

Changes are made so that the plumbing board will have more direct authority to administer the law and make changes to the plumbing code. The board, rather than the Department of Public Health, is given the authority to enforce this law.

Additional information and types of licenses issued include:

1. Clarifies that the board is allowed to consider past felony records of an applicant if the felony conviction relates to the practice of the plumbing profession.
2. Journeyman Licensure: Changes current law as it relates to licensure by journeymen to provide that experience must be an apprenticeship training program registered by the U.S. Department of Labor Office of Apprenticeship. Previous language in the law required a training program registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor.
3. Master License: Requires licensure by the board rather than the department. To be licensed as a master plumber, the person must file an application and pay the fee; pass the state master licensing exam; provide evidence that the person has previously been a licensed journeyman or master.

4. Adds contractors as those who are required to be licensed by the board. Applicants for a contractor license must do all of the following:
  - File an application and pay the required fee.
  - Provide the person's state contractor registration number and show that they meet the minimum requirements adopted by the board.
  - Maintain a permanent place of business.
  - Hold a master license or employ at least one person who holds a master license.
- Allows the board, by rule, to issue combined, restricted licenses (special licenses).
  - The board may by rule provide for the issuance of special plumbing and mechanical professional licenses authorizing the licensee to engage in a limited class or classes of mechanical or professional work.
  - Special plumbing and mechanical professional licenses will not be issued to employees of a rate-regulated gas or electric public utility that provides plumbing or mechanical services as part of a systematic marketing effort.
- Waiver: Requires the board to waive not only the written exam but also the prior experience requirement for the journey person or master licensee through December 31, 2009, if the applicant meets either of the requirements in items 3 and 4 above.

### **Enforcement Delayed Until July 1, 2009**

The board proposes to delay the enforcement and violations provisions until July 1, 2009. This will ensure adequate time for the full licensure process to be implemented and for professionals to become accustomed to the new process without concern of being noncompliant.

## **Amendment Summary**

### **H-1387 by Quirk and Struyk**

- Changes the definition of routine maintenance by adding the following: Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps of strainers. Routine maintenance includes emergency repairs as may be defined by the board.
- Requires a special license to be issued to employees of a rate-regulated gas or electric public utility who conducts repair of appliances. Repair of appliances means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Certification as per industry accredited certification standards is required to obtain this license.
- Requires the plumbing board to work with the electrical board to conduct a study to determine the most appropriate and feasible manner to implement a statewide inspection program for work performed by licenses of both boards. Recommendations are to be submitted to the general assembly by January 1, 2011, for the implementation of a statewide inspection program.

### **H-1482 by Windschitl**

- Strikes language in H-1387 relating to routine maintenance providing that fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. Routine maintenance includes emergency repairs to prevent damage to property, as may be defined by the board.

### **H-1636 by Quirk**

- Amends the definition of "routine maintenance" by adding language stating the fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for

traps or strainers. Routine maintenance includes emergency repairs to prevent damage to property, as may be defined by the board.

- Allows employees of state or local government to perform work on a mechanical system or plumbing system while acting within the scope of their employment.
- Clarifies language in the bill relating to the exemption for owners or operators of a health care facility.
- Allows special plumbing and mechanical licenses to be issued to employees of a rate-regulated gas or electric public utility who conduct repair of appliances. Repair of appliances is defined as the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry accredited certification standards.
- Adds language requiring a study of the statewide inspection program implementation. Requires the plumbing board to work with the electrical board to conduct a study to determine the most appropriate and feasible manner to implement a statewide inspection program for work performed by the respective licenses of both boards. Recommendations are to be submitted to the general assembly by January 1, 2011 for implementation of a statewide inspection program.