

**Senate File 2283 - Introduced**

SENATE FILE 2283  
BY JOCHUM

**A BILL FOR**

1 An Act providing for the licensure of persons who install and  
2 maintain solar thermal systems and solar photovoltaic panels  
3 and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.1, Code Supplement 2009, is amended  
2 to read as follows:

3 **105.1 Title.**

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

6 Sec. 2. Section 105.2, Code Supplement 2009, is amended by  
7 adding the following new subsections:

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

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

15 Sec. 3. Section 105.3, subsection 1, Code Supplement 2009,  
16 is amended to read as follows:

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

19 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,  
20 Code Supplement 2009, are amended to read as follows:

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

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

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

27 (3) One plumbing inspector.

28 (4) One mechanical inspector.

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

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

34 (7) An individual working as a plumbing contractor and  
35 licensed as a master plumber pursuant to the provisions of

1 this chapter or, for the initial membership of the board, an  
2 individual eligible for such licensure.

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

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

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

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

18 Sec. 5. Section 105.3, subsection 7, Code Supplement 2009,  
19 is amended to read as follows:

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

25 Sec. 6. Section 105.10, subsection 1, Code Supplement 2009,  
26 is amended to read as follows:

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

33 Sec. 7. Section 105.11, subsections 7 and 10, Code  
34 Supplement 2009, are amended to read as follows:

35 7. Require a helper engaged in general manual labor

1 activities while providing assistance to an apprentice,  
2 journeyperson, or master to obtain a plumbing, HVAC,  
3 refrigeration, ~~or~~ hydronic, or solar license. Experience as a  
4 helper shall not be considered as practical experience for a  
5 journeyperson license.

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

12 Sec. 8. Section 105.12, subsection 1, Code Supplement 2009,  
13 is amended to read as follows:

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

20 Sec. 9. Section 105.15, Code Supplement 2009, is amended to  
21 read as follows:

22 **105.15 Registry of licenses.**

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

31 Sec. 10. Section 105.16, Code Supplement 2009, is amended  
32 to read as follows:

33 **105.16 Change of residence.**

34 If a person licensed to practice as a contractor  
35 or a plumbing, HVAC, refrigeration, ~~or~~ hydronic, or

1 solar professional under this chapter changes the person's  
2 residence or place of practice, the person shall so notify the  
3 board.

4 Sec. 11. Section 105.17, subsection 1, unnumbered paragraph  
5 1, Code Supplement 2009, is amended to read as follows:

6 The provisions of this chapter regarding the licensing  
7 of plumbing, HVAC, refrigeration, ~~and~~ hydronic, and  
8 solar professionals and contractors shall supersede and  
9 preempt all plumbing, HVAC, refrigeration, hydronic,  
10 solar, and contracting licensing provisions of all governmental  
11 subdivisions.

12 Sec. 12. Section 105.18, Code Supplement 2009, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 2A. *Solar professional and contractor*  
15 *licenses.* The board shall issue separate licenses for solar  
16 professionals and for contractors as follows:

17 *a.* Solar professional. In order to be licensed by the  
18 board as a solar professional, a person shall do all of the  
19 following:

20 (1) File an application and pay application fees as  
21 established by the board, which application shall establish  
22 that the person meets the minimum educational and experience  
23 requirements adopted by the board in rule.

24 (2) Pass a licensing examination.

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

27 (1) File an application and pay application fees as  
28 established by the board, which application shall provide the  
29 person's state contractor registration number and establish  
30 that the person meets the minimum requirements adopted by the  
31 board.

32 (2) Maintain a permanent place of business.

33 (3) Hold a solar professional license or employ at least one  
34 person holding a solar professional license under this chapter.

35 Sec. 13. Section 105.18, subsection 3, paragraph b, Code

1 Supplement 2009, is amended to read as follows:

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

25     Sec. 14. Section 105.19, subsection 2, Code Supplement  
26 2009, is amended to read as follows:

27     2. If the applicant is engaged in plumbing, HVAC,  
28 refrigeration, or hydronic work individually through a business  
29 conducted as a sole proprietorship, the applicant shall  
30 personally obtain the insurance and surety bond required by  
31 this section. If the applicant is engaged in the plumbing,  
32 HVAC, refrigeration, ~~or~~ hydronic, or solar business as an  
33 employee or owner of a legal entity, then the insurance and  
34 surety bond required by this section shall be obtained by  
35 the entity and shall cover all plumbing ~~or~~ mechanical, or

1 solar work performed by the entity.

2 Sec. 15. Section 105.21, Code Supplement 2009, is amended  
3 to read as follows:

4 **105.21 Reciprocal licenses.**

5 The board may license without examination a nonresident  
6 applicant who is licensed under plumbing, HVAC, refrigeration,  
7 ~~or~~ hydronic, or solar professional licensing statutes of  
8 another state having similar licensing requirements as  
9 those set forth in this chapter and the rules adopted under  
10 this chapter if the other state grants the same reciprocal  
11 licensing privileges to residents of Iowa who have obtained  
12 Iowa plumbing, ~~or~~ mechanical, or solar professional licenses  
13 under this chapter. The board shall adopt the necessary rules,  
14 not inconsistent with the law, for carrying out the reciprocal  
15 relations with other states which are authorized by this  
16 chapter.

17 Sec. 16. Section 105.22, unnumbered paragraph 1, Code  
18 Supplement 2009, is amended to read as follows:

19 A license to practice as a contractor or as a plumbing,  
20 HVAC, refrigeration, ~~or~~ hydronic, or solar professional may be  
21 revoked or suspended, or an application for licensure may be  
22 denied pursuant to procedures established pursuant to chapter  
23 272C by the board, or the licensee may be otherwise disciplined  
24 in accordance with that chapter, when the licensee commits any  
25 of the following acts or offenses:

26 Sec. 17. Section 105.22, subsection 8, Code Supplement  
27 2009, is amended to read as follows:

28 8. Aiding and abetting a person who is not licensed pursuant  
29 to this chapter in that person's pursuit of an unauthorized  
30 and unlicensed plumbing, HVAC, refrigeration, ~~or~~ hydronic, or  
31 solar professional practice.

32 Sec. 18. Section 105.25, subsections 1 and 3, Code  
33 Supplement 2009, are amended to read as follows:

34 1. Only a person who is duly licensed pursuant to this  
35 chapter may advertise the fact that the person is licensed as

1 a contractor or as a plumbing, HVAC, refrigeration, solar, or  
2 hydronic professional by the state of Iowa.

3 3. A person who fraudulently claims to be a licensed  
4 contractor or a licensed plumbing, HVAC, refrigeration,  
5 solar, or hydronic professional pursuant to this chapter,  
6 either in writing, cards, signs, circulars, advertisements, or  
7 other communications, is guilty of a simple misdemeanor.

8 Sec. 19. Section 272C.1, subsection 6, paragraph ae, Code  
9 Supplement 2009, is amended to read as follows:

10 ae. The plumbing, ~~and mechanical,~~ and solar systems board,  
11 created pursuant to chapter 105.

12 EXPLANATION

13 Iowa law (Code chapter 105) currently licenses persons  
14 who design, install, and repair the HVAC, refrigeration, or  
15 hydronic systems, or serve as contractors of such systems.  
16 Licenses are available either individually or in combination.  
17 The profession is regulated by a licensing board under the  
18 aegis of the department of public health.

19 This bill adds licenses for solar professionals and  
20 contractors to Code chapter 105. A solar professional is a  
21 person who installs, alters, repairs, maintains, relocates,  
22 or replaces a solar heating or photovoltaic system and any  
23 apparatus or equipment used in connection with the system. The  
24 bill adds to the membership of the licensing board one person  
25 who is a solar professional.

26 Unlike plumbing, HVAC, refrigeration, and hydronic  
27 licenses, licensure as a solar professional is not broken into  
28 apprentice, journeyperson, or master categories. Licensure as  
29 a solar professional requires that the applicant:

- 30 1) Pay application fees as established by the board.  
31 2) Meet the minimum educational and experience requirements  
32 adopted by the board in rule.  
33 3) Pass a licensing examination.

34 Licensure as a solar contractor requires that the applicant:  
35 1) Pay application fees as established by the board.

1     2) Provide the applicant's state contractor registration  
2 number and meet the minimum requirements adopted by the board.

3     3) Maintain a permanent place of business.

4     4) Hold a solar professional license or employ at least one  
5 person holding a solar professional license under Code chapter  
6 105.

7     In keeping with the current licensing scheme, solar  
8 professional and contractor licenses may be obtained  
9 individually or in combination with HVAC, refrigeration, or  
10 hydronic systems licenses.

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