

House File 392 - Reprinted

HOUSE FILE 392
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 42)

(As Amended and Passed by the House March 16, 2011)

A BILL FOR

1 An Act relating to professional licensing by making changes to
2 the Iowa plumber, mechanical professional, and contractor
3 licensing Act and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.2, subsection 7, Code 2011, is
2 amended to read as follows:

3 7. "HVAC" means heating, ventilation, air conditioning,
4 ~~and ducted systems,~~ or any type of refrigeration used for
5 food processing or preservation. "HVAC" includes all natural,
6 propane, liquid propane, or other gas lines associated with any
7 component of an HVAC system.

8 Sec. 2. Section 105.2, subsections 8 and 16, Code 2011, are
9 amended to read as follows:

10 8. "Hydronic" means a heating or cooling system that
11 transfers heating or cooling by circulating fluid through
12 a closed system, including boilers, pressure vessels,
13 refrigerated equipment in connection with chilled water
14 systems, all steam piping, hot or chilled water piping together
15 with all control devices and accessories, installed as part of,
16 or in connection with, any ~~comfort~~ heating or ~~comfort~~ cooling
17 system or appliance using a liquid, water, or steam as the
18 heating or cooling media. "Hydronic" includes all low-pressure
19 and high-pressure systems and all natural, propane, liquid
20 propane, or other gas lines associated with any component of
21 a hydronic system.

22 16. "Refrigeration" means any system of refrigeration
23 regardless of the level of power, if such refrigeration is
24 intended to be used for the purpose of food processing and
25 product preservation and is ~~not~~ also intended to be used
26 for comfort systems. "Refrigeration" includes all natural,
27 propane, liquid propane, or other gas lines associated with any
28 component of refrigeration.

29 Sec. 3. Section 105.5, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. Any person desiring to take an examination for a license
32 issued pursuant to this chapter shall make application to
33 the board in accordance with the rules of the board. The
34 application form shall be no longer than two pages in length,
35 plus one security page. The board may require that a recent

1 photograph of the applicant be attached to the application.

2 Sec. 4. Section 105.9, subsection 2, Code 2011, is amended
3 to read as follows:

4 2. The board shall set the license fees and renewal fees for
5 all licenses issued pursuant to this chapter, by rule, ~~based~~
6 ~~upon the costs of sustaining the board and the actual costs of~~
7 ~~licensing.~~

8 Sec. 5. Section 105.9, subsection 5, Code 2011, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:

11 5. *a.* The board shall submit a report to the general
12 assembly within sixty days following the end of each fiscal
13 year. The reports shall include a balance sheet projection
14 extending no less than three years. If the revenue projection
15 exceeds expense projections by more than ten percent, the board
16 shall adjust their fee schedules accordingly, so that projected
17 revenues are no more than ten percent higher than projected
18 expenses. The revised fees shall be implemented no later than
19 January 1, 2013, and January 1 of each subsequent year.

20 *b.* A license fee for a combined license shall be the sum
21 total of each of the separate license fees reduced by thirty
22 percent.

23 Sec. 6. Section 105.9, Code 2011, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 6. For calendar years 2011 and 2012 the fee
26 for an initial apprentice and an initial journeyman license is
27 fifty dollars.

28 NEW SUBSECTION. 7. For calendar years 2011 and 2012 the
29 fee for an initial master license is one hundred twenty-five
30 dollars.

31 NEW SUBSECTION. 8. The renewal fee shall be waived for
32 all licenses renewed from January 1, 2011, through December
33 31, 2012. For any initial license issued in 2011 prior to the
34 effective date of this Act, the licensee shall be refunded the
35 difference between the fee paid for such initial license and

1 the fees specified in subsections 6 and 7. For any licenses
2 renewed in 2011 prior to the effective date of this Act, the
3 licensee shall be refunded the entire license renewal fee paid.

4 NEW SUBSECTION. 9. The board may charge a fee for an
5 application required by this chapter and submitted on paper if
6 an internet application process is available.

7 NEW SUBSECTION. 10. The board shall waive all renewal fees
8 for all licenses that have an expiration date from January 1,
9 2011, through December 31, 2012.

10 Sec. 7. Section 105.11, subsection 3, Code 2011, is amended
11 to read as follows:

12 3. Prohibit an owner of property from performing work on the
13 owner's ~~principal residence, if such residence is an existing~~
14 ~~dwelling rather than new construction and is not larger than a~~
15 ~~single-family dwelling, or farm property, excluding commercial~~
16 ~~or industrial installations or installations in public use~~
17 ~~buildings or facilities, or require such owner to be licensed~~
18 ~~under this chapter. In order to qualify for inapplicability~~
19 ~~pursuant to this subsection, a residence shall qualify for the~~
20 ~~homestead tax exemption residential property, if the property~~
21 ~~is not income-producing property.~~

22 Sec. 8. Section 105.11, Code 2011, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 14. Apply to a person who is performing
25 work on a volunteer, non-paid basis or assisting a property
26 owner performing non-paid work on the owner's residential
27 property.

28 Sec. 9. Section 105.18, subsection 3, Code 2011, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. d. An individual that holds either a master
31 or journeyman HVAC license or a master or journeyman
32 refrigeration license shall be exempt from having to obtain
33 a special electrician's license pursuant to chapter 103 in
34 order to perform disconnect and reconnect of existing air
35 conditioning and refrigeration systems.

1 Sec. 10. Section 105.20, subsection 1, Code 2011, is amended
2 by striking the subsection and inserting in lieu thereof the
3 following:

4 1. All licenses issued under this chapter shall be issued
5 for a three-year period.

6 Sec. 11. Section 105.20, subsection 6, Code 2011, is amended
7 to read as follows:

8 6. a. The board shall establish continuing education
9 requirements pursuant to section 272C.2. The basic continuing
10 education requirement for renewal of a license shall be the
11 completion, during the immediately preceding license term, of
12 the number of classroom hours of instruction required by the
13 board in courses or seminars which have been approved by the
14 board. The board shall require at least eight classroom hours
15 of instruction during each three-year licensing term.

16 b. A licensee shall have a thirty-day grace period after
17 expiration of the licensing term to complete all requirements
18 necessary for license renewal without penalty.

19 Sec. 12. Section 331.301, subsection 6, Code 2011, is
20 amended to read as follows:

21 6. a. A county shall not set standards and requirements
22 which are lower or less stringent than those imposed by state
23 law, but may set standards and requirements which are higher or
24 more stringent than those imposed by state law, unless a state
25 law provides otherwise.

26 b. A county shall not impose any fee or charge on any
27 individual or business licensed by the board for the right to
28 perform plumbing, HVAC, refrigeration, or hydronic systems
29 work within the scope of the license. This paragraph does
30 not prohibit a county from charging fees for the issuance
31 of permits for, and inspections of, work performed in its
32 jurisdiction.

33 Sec. 13. Section 364.3, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. a. A city may not set standards and requirements which

1 are lower or less stringent than those imposed by state law,
2 but may set standards and requirements which are higher or more
3 stringent than those imposed by state law, unless a state law
4 provides otherwise.

5 b. A city shall not impose any fee or charge on any
6 individual or business licensed by the board for the right to
7 perform plumbing, HVAC, refrigeration, or hydronic systems
8 work within the scope of the license. This paragraph does not
9 prohibit a city from charging fees for the issuance of permits
10 for, and inspections of, work performed in its jurisdiction.

11 Sec. 14. EFFECTIVE UPON ENACTMENT. This Act, being deemed
12 of immediate importance, takes effect upon enactment.