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Passed on File.

Senate File 157

By BEKMAN, NESMITH, MERCER, PARKER,
O'MALLEY, HEDIN, DAILEY.

Passed Senate, Date
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend and revise the state plumbing code, to provide for the licensing and regulation of plumbers and the investigation and inspection of plumbing installations for the protection of the public health of the state.

WHEREAS proper sanitary rules and regulations are necessary for the public health and the general welfare of the state of Iowa in the installation, alteration, repair and removal of plumbing as herein defined, it is deemed necessary under the power reserved by the people of Iowa for the public health and best interests of the people as a whole that the provisions provided for in this act be adopted.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. The following definitions shall apply in
2 this chapter: "department" means "state department of health",
3 "commissioner" means "commissioner of public health", "board"
4 means "board of examiners."

1 Sec. 2. Section three hundred sixty-eight point fifty-
2 two (368.52) Code 1950, is hereby amended by striking all of
3 said section and enacting the following in lieu thereof:

4 "Plumbing, as used herein shall mean the art of installing
5 in buildings or other structures pipes, fixtures and other
6 apparatus for bringing therein the water supply and removing

7 therefrom liquids and water-carried wastes.

8 “The plumbing system of a building or other structure
9 shall include the water supply distribution pipes; fixtures
10 and fixture traps; the soil, waste and vent pipes; the house
11 or structure drain and sewer; together with their devices,
12 appurtenances, and connections all within or adjacent to
13 the building or structure serviced thereby.

14 “Plumbing fixtures shall be receptacles intended to
15 receive and discharge water, liquid, or water-carried wastes
16 into a drainage system.

17 “The term ‘journeyman’ plumber shall include any person
18 who installs plumbing, alters and/or repairs plumbing, in all
19 its branches, defined as plumbing in this act.

20 “The term ‘master plumber’ as used herein shall include
21 any person skilled in the art of planning, superintending, and
22 the practical installation of plumbing and familiar with the
23 laws, rules and regulations governing the same.

24 “The term ‘apprentice’ plumber as used herein shall
25 include any person assisting a licensed journeyman plumber to
26 install or repair any plumbing for or within any building or
27 structure.”

1 Sec. 3. Section three hundred sixty-eight point forty-
2 four (368.44), Code 1950, is hereby amended by adding thereto.

3 The city council of each city having a population of over
4 five thousand (5,000) shall appoint one licensed journeyman
5 or master plumber as a plumbing inspector. For each fifty

6 thousand (50,000) population or major fraction thereof in
7 any city having a population in excess of fifty thousand (50,000)
8 one (1) additional inspector should be appointed. The city
9 council of all cities and towns under five thousand (5,000)
10 population may appoint a licensed plumber or other qualified
11 person as a plumbing inspector.

1 Sec. 4. Section three hundred sixty-eight point forty-
2 five (368.45), Code 1950, is amended by striking the word "six"
3 in line two (2) and substituting in lieu thereof the word "five";
4 further amend by striking all after the word "power" in line
5 three (3) of said section, to and including the comma (,)
6 following the word "thereof" in line five (5) of said section.

1 Sec. 5. Section three hundred sixty-eight point forty-
2 six (368.46), Code 1950, is amended by striking all of said
3 section commencing with the word "having" in line one (1) and
4 ending with the word "more" in line two (2), and substituting
5 in lieu thereof the following:

6 "And towns having public water supply or public sewerage."

1 Sec. 6. Section three hundred sixty-eight point forty-
2 seven (368.47), Code 1950, is hereby repealed.

1 Sec. 7. Section three hundred sixty-eight point forty-
2 eight (368.48), Code 1950, is hereby repealed.

1 Sec. 8. Section three hundred sixty-eight point forty-
2 nine (368.49), Code 1950, is hereby repealed.

1 Sec. 9. Section three hundred sixty-eight point fifty
2 (368.50), Code 1950, is hereby repealed, and the following

3 enacted in lieu thereof:

4 “All examinations of applicants for master plumbers’,
5 and journeyman plumbers’ licenses shall be accompanied by
6 the fee provided and examinations shall be held by the board,
7 and shall be uniformly standard. All licenses provided by
8 this chapter shall be issued by the board in the name of the
9 state of Iowa.

10 “Regular examinations shall be held at least twice each
11 year by the board and special examinations may be held at
12 such times and places as the board may deem necessary,
13 provided that the number of examinations including both regular
14 and special, in any one (1) year shall not exceed four (4).

15 “All applications for a master or journeyman plumbers’
16 examination, including applications for temporary permits
17 or licenses shall be made to the department accompanied by
18 the fee or fees herein provided. Except, in a case of
19 renewal no license shall be issued until after the applicant
20 has passed a satisfactory examination given by the board.

21 “A master plumbers’ examination fee shall be ten dollars
22 (\$10.00). An applicant who fails to pass the examination
23 shall be entitled to one (1) re-examination without an additional
24 fee. Each subsequent examination thereafter, the fee shall be
25 five dollars (\$5.00).

26 “No person shall engage in or work at the business of
27 a master or journeyman plumber until he has procured a license.

28 “Licenses, including permits, shall be issued only to

29 individual persons and shall not be transferable or used by
30 any person other than the licensee.

31 “A master plumber’s license fee shall be twenty-five (\$25.00)
32 dollars payable within thirty (30) days after notice from the
33 department. The annual renewal fee of a master plumber’s
34 license shall be twenty-five (\$25.00) dollars providing the
35 application is made prior to January 1, of each year. After
36 that time, an additional fee of five (\$5.00) dollars shall be
37 payable.

38 “A journeyman plumber’s examination shall be five (\$5.00)
39 dollars. An applicant who fails upon examination shall be
40 entitled to one (1) re-examination without an additional fee but
41 for each subsequent examination thereafter said applicant shall
42 pay a fee of five (\$5.00) dollars.

43 “A journeyman plumber’s license fee shall be five (\$5.00)
44 and five (\$5.00) dollars for each annual renewal thereof
45 providing the application therefor is made prior to January 1
46 of each year, and if made after that time, an additional fee
47 of one (\$1.00) dollar shall be paid. For all temporary permits
48 pending the examination and issuance of a license to a master
49 plumber the fee shall be thirty-five (\$35.00) dollars, and
50 for journeyman plumbers, seven (\$7.00) dollars which fee shall
51 also cover the examination fees and license fees hereinbefore
52 determined for the periods issued.

53 “All licensed master plumbers in good standing, who
54 desire to engage in the plumbing business, solely as journeymen

55 plumbers, shall, upon application and upon the payment of the
56 initial license fee for journeymen plumbers, be issued a
57 journeyman plumber's license. A journeyman plumber who holds
58 an unexpired master plumber's license, shall, upon application
59 be re-licensed as a master plumber upon the payment of the
60 twenty-five (\$25.00) dollars for renewal, and five (\$5.00)
61 dollars revival fee for the renewal of such licenses.

62 "No license shall be issued for a longer period than
63 one (1) year and all licenses shall expire on December 31 of
64 each year and all applications for renewal shall be made within
65 thirty (30) days next preceding the date of expiration. The
66 board may renew licenses upon application made after January 1,
67 if in its judgment the applicant shows good cause for failure
68 to make the application within the month of December.

69 "A holder of a state master plumber's license who has
70 no established place of business in the state of Iowa who is
71 not actively engaged in the plumbing business within the state
72 shall not be entitled to a renewal of his license.

73 "Any person who has been regularly engaged in the practice
74 of plumbing in all its branches as herein defined as a master
75 or journeyman in the state for a period of not than three
76 (3) years next preceding July 4, 1951, and who shall file with
77 the board of examiners on or before December 31, 1951,
78 satisfactory evidence thereof accompanied by the fee herein provided,
79 shall be issued a license to practice plumbing in this state,
80 without examination. Persons now holding a state plumbing

81 license shall, upon application, be licensed under this chapter
82 upon payment of the renewal fee on or before December 31, 1951.”

1 Sec. 10. Section three hundred sixty-eight point fifty-one
2 (368.51), Code 1950, is hereby repealed.

1 Sec. 11. Paragraph or subsection eight (8) of section
2 one hundred thirty-five point eleven (135.11), Code 1950,
3 is amended by adding thereto the following:

4 “Employ a competent state plumbing inspector and other
5 personnel, prescribe their qualifications and assign their
6 duties.”

1 Sec. 12. Section one hundred thirty-five point eleven
2 (135.11), Code 1950, is amended by adding thereto, the
3 following:

4 “Conduct investigations and experiments for the
5 advancement of technical knowledge relating to plumbing and
6 may hold public meeting concerning the same in the state.
7 The state department of health or any inspector provided for
8 in this chapter may enter and inspect at reasonable hours,
9 all plumbing installations on private or public property.

1 Sec. 13. The board of examiners shall, with the approval
2 of the department, prescribe rules and regulations as to the
3 qualifications, examination and licensing of master and
4 journeyman plumbers, the regulations and registrations of
5 apprentices, and on March 1 of each year it shall prepare a
6 list giving the names and addresses of all licensed plumbers
7 which list shall be accessible to the public at all times.

1 Sec. 14. Section one hundred thirty-five point twelve
2 (135.12), Code 1950, is hereby amended by striking all of said
3 section following the word “committee” in line six (6), and
4 substituting therefor the following:

5 “Consisting of an employee of the division of public
6 health engineering of the state department of health, the board
7 of examiners as defined herein, and the commissioner of public
8 health, the chairman to be selected by the committee.”

1 Sec. 15. Section one hundred thirty-five point fourteen
2 (135.14), Code 1950, is hereby repealed.

1 Sec. 16. Section one hundred thirty-five point fifteen
2 (135.15), Code 1950, is hereby repealed, and the following
3 enacted in lieu thereof:

4 The department shall deposit all fees with the state
5 treasurer who shall keep such fees in a special fund to be
6 known as the “plumbing code fund”; which shall be drawn on
7 only for the expenses and compensation of the board of
8 plumbing examiners, plumbing code committee, other employees,
9 and other expenses that may be necessary to administer and enforce
10 the provisions of this chapter. There shall be no expenses,
11 compensation or claims paid for the enforcement of this act
12 from any other fund or funds. All surplus in such fund at the
13 end of each fiscal year, shall be transferred to the state
14 general fund.

15 “Upon the effective date hereof, any money in the
16 plumbing code fund as now authorized by section one hundred

17 thirty-five point fifteen (135.15), Code 1950, shall be
18 transferred to the new plumbing code fund provided for in this
19 section.”

1 Sec. 17. The commissioner shall, within thirty (30) days
2 after the effective date hereof, appoint a board of examiners
3 consisting of three (3) members, prescribe the qualifications
4 and assign their duties, one (1) of whom shall be a master
5 plumber, one (1) a journeyman plumber and one (1) an employee
6 of the department in the division of public health engineering,
7 who shall serve as executive secretary of the board. The
8 original appointment of the board of examiners shall be for
9 terms of one (1) for one (1) year, one (1) for two (2) years,
10 and one (1) for three (3) years. Thereafter the commissioner
11 shall appoint their successors for terms for three (3) years
12 and until their successors shall have been selected and qualified.
13 The commissioner may also remove for cause, any member of the
14 examining board at any time, but said member or members shall
15 have the right of appeal from said ruling to a court of
16 competent jurisdiction as provided by law. Each member of the
17 board of examiners and the plumbing code committee, who is
18 not a regular employee of the department on a fixed or stipulated
19 salary shall be paid a per diem of ten (10) dollars per day
20 for the number of days actually served by such member in the
21 performance of his duties and for a fraction of a day he
22 shall be paid in proportion thereto. In addition said member
23 shall be reimbursed for his actual expenses incurred in the

24 performance of his duties. No member of the board of examiners
25 or plumbing code committee shall receive as compensation in
26 excess of five hundred (\$500.00) dollars in any one (1) calendar
27 year.

1 Sec. 18. The board may issue temporary revocable
2 permits to master and journeymen plumbers under such rules
3 and regulations as it may prescribe but then only upon proof
4 by the applicant that he is a qualified plumber.

1 Sec. 19. The board may, without examination and upon
2 payment of the required fee, license an applicant to whom a
3 license was issued under the laws of any other state having
4 provisions governing the licensing of plumbers which in the
5 opinion of the board are substantially equivalent to the
6 requirement of this chapter and providing that said states
7 shall have reciprocal rules and regulations, granting legally
8 licensed Iowa plumbers the same privilege.

1 Sec. 20. The board may make investigations and conduct
2 hearings. Such hearing shall be upon a written complaint duly
3 signed and verified by the complainant, or may be instituted
4 by the board on its own motion and be held in the county where
5 the alleged violation occurred. No hearing shall be held
6 without giving to the licensee at least a ten (10) days
7 written notice prescribing the time and place of hearing and
8 a copy of the complaint attached thereto. Such hearings shall
9 be public and be conducted so far as possible in the same manner
10 as a court hearing and the licensee shall have the right to

11 appear by counsel, present testimony and subpoena and examine
12 witnesses. The board may revoke a license on the following
13 grounds:

14 Fraud in procuring his license.

15 Incompetency in the practice of his trade.

16 Willful or repeated violations of the state plumbing code,
17 plumbing ordinances or department rules and regulations.

1 Sec. 21. Any person, who engages in or follows the
2 business or occupation of, or advertises or holds himself
3 out as a master or journeyman plumber without first having
4 secured the required license or permit, or who otherwise
5 violates any of the provisions of this chapter shall be deemed
6 guilty of a misdemeanor. This section shall not apply to
7 persons making casual repairs or in an emergency necessary to
8 avert damage; providing the repairs conform to the laws of
9 the state plumbing code.

1 Sec. 22. The provisions of this chapter, and any rules,
2 regulations or codes, now or hereafter to be formulated by
3 the department, shall be held to be the minimum requirements
4 adopted for the protection of health, welfare and safety of
5 the public. Nothing herein contained shall invalidate ordinances
6 or regulations of any city or town imposing requirements higher
7 than the minimum requirements provided in this chapter.

1 Sec. 23. This Act shall be construed as severable.

1 Sec. 24. The provisions of this Act shall be applicable
2 to all cities operating under special charter in accordance

3 with the provisions of chapter four hundred twenty (420),
4 Code 1950.

1 Sec. 25. This Act being deemed of immediate importance
2 shall be in full force and effect from and after its passage
3 and publication in the, a newspaper
4 published at, Iowa, and the
5 newspaper published at