



MEETING NOTICE & AGENDA

Iowa Fire Extinguishing & Alarm System Certification Advisory Board

Wednesday, June 29, 2016

10:00-12:00 pm

Department of Public Safety – Oran Pape Building
Public Conference Room 125 / Conference Call-In
215 East Seventh Street, Des Moines, IA 50319

- **Chairperson Hoover** – Call to Order
- **Board Members** – Approve May 18, 2016 meeting minutes
- **Discussion Topics**
 - Discussion regarding Global Security Training Initiative follow up from December 2015 (board member input from audit users)
 - Review of special hazards contractor inspection only endorsement language added to Administrative Rules
- **Public Comments**
- **Other Business** – Discuss scheduling for remaining 2016 board meetings
- **Chairperson Hoover** – Adjourn

Conference Call-In Instructions:

- Dial [\(866\) 685-1580](tel:8666851580)
- When prompted, enter conference code [5157256170](tel:5157256170) followed by #
- Press [1](#) to join conference

Helpful Reservationless Plus Keypad Commands:

- [00](#) for operator assistance
- [*6/#6](#) mute/unmute line

CHAPTER 275

CERTIFICATION OF AUTOMATIC FIRE EXTINGUISHING SYSTEM CONTRACTORS

661—275.1(100C) Establishment of program. There is established within the fire marshal division a fire extinguishing system contractors certification program. The program is established pursuant to Iowa Code chapter 100C.

275.1(1) Certification required. No person shall act as a fire extinguishing system contractor without being currently certified as a fire extinguishing system contractor by the fire marshal, ~~except as provided in subrule 275.1(3).~~

275.1(2) Endorsement. The certification of each contractor shall carry an endorsement for one or more of the following:

- a. Automatic sprinkler system layout;
- b. Special hazards suppression systems;
- c. Installation of pre-engineered dry chemical or wet agent fire suppression systems;
- d. Installation of pre-engineered water-based fire suppression systems in one (1)- and two (2)-family dwellings;
- e. Testing and inspection of water-based systems;
- e.f. Inspection only of special hazard engineered systems; or
- f.g. Any combination thereof.

Any person acting as a fire extinguishing system contractor shall do so only in relation to systems covered by the endorsements on the contractor's certification.

275.1(3) Length of certification. Certification shall normally be for two (2) years ~~one year~~ and shall expire on March 31 ~~each year~~. A certification which is effective on a date other than April 1 shall be effective on the date on which the certification is issued and shall expire on the following March 31.

~~a.— Certification between July 1, 2006, and October 1, 2006. A contractor may operate without certification between July 1, 2006, and September 30, 2006, as follows:~~

~~— Prior to August 15, 2006, the contractor may operate as a contractor only if the contractor intends to apply for certification by August 15, 2006; a contractor operating under this subparagraph may perform contracting work only within the scope of certification for which the contractor intends to apply.~~

~~(2) On or after August 15, 2006, and before October 1, 2006, the contractor may operate as a contractor subject to this chapter only if the contractor has applied for certification under this chapter. A contractor operating under this subparagraph may perform contracting work only within the scope of certification for which the contractor has applied.~~

~~b.— Any certification for which application is made by August 15, 2006, and accepted, shall be effective retroactive to July 1, 2006, and appropriate fees shall be collected pursuant to rule 661—275.5(100C).~~

275.1(4) Inquiries. Inquires regarding the fire extinguishing system contractors certification program may be addressed to:

~~FESCCP Fire Extinguishing System Contractors Certification Program~~
~~State Fire Marshal Division~~
~~Iowa Department of Public Safety~~
~~State Public Safety Headquarters Building~~
~~215 East 7th Street~~
~~Des Moines, Iowa 50319~~

Inquiries may be addressed by electronic mail to fmlicensinginfo@dps.state.ia.us ~~by telephone to (515)725-6145, United States Postal Mail, or by facsimile to (515)725-6172.~~

[Editorial change: IAC Supplement 6/17/09]

661—275.2(100C) Definitions. The following definitions apply to rules 661—275.1(100C) through 661—275.7(100C):

“Automatic fire extinguishing system” means a system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire and includes automatic sprinkler systems, carbon dioxide extinguishing systems, deluge systems, automatic dry-chemical extinguishing systems, foam extinguishing systems, and halogenated extinguishing systems, aerosol, hybrid-inert water mist, or other equivalent fire extinguishing technologies recognized by the fire extinguishing system contractors advisory board.

“Automatic sprinkler system” means an integrated fire protection sprinkler system usually activated by heat from a fire designed in accordance with fire protection engineering standards and includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern.

“Carbon dioxide extinguishing system” means a system supplying carbon dioxide from a pressurized vessel through fixed pipes and nozzles and includes a manual or automatic actuating mechanism.

“Clean agent” means an electrically nonconducting, volatile, or gaseous fire extinguishant that does not leave a residue upon evaporation.

“Deluge system” means a sprinkler system employing open sprinklers attached to a piping system connected to a water supply through a valve that is opened by the operation of a detection system installed in the same area as the sprinklers.

“Dry chemical” means a powder composed of very small particles, usually sodium bicarbonate-, potassium bicarbonate-, or ammonium phosphate-based, with added particulate material supplemented by special treatment to provide resistance to packing, resistance to moisture absorption (caking), and the proper flow capabilities.

“Dry pipe sprinkler system” means an extinguishing system employing automatic sprinklers that are attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) permits the water pressure to open a valve known as a dry pipe valve, which allows the water to flow into the piping system and out the opened sprinklers.

“Fire extinguishing system contractor” or *“contractor”* means a person engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state.

“Foam extinguishing system” means a special system discharging foam made from concentrates, either mechanically or chemically, over the area to be protected.

“Halogenated extinguishing system” means a fire extinguishing system using one or more atoms of an element from the halogen chemical series of fluorine, chlorine, bromine, and iodine.

“Layout” means drawings, calculations and component specifications to achieve the specified system design installation. “Layout” does not include design.

“Listed” means equipment, materials, or services included in a list published by a nationally recognized independent testing organization concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

“Maintenance inspection” means periodic inspection and certification completed by a fire extinguishing system contractor. For purposes of this chapter, “maintenance inspection” does not include an inspection completed by a local building official, fire inspector, or insurance inspector, when acting in an official capacity.

“Pre-engineered dry chemical or wet agent fire suppression system” means any system having predetermined flow rates, nozzle pressures and limited quantities of either agent. These systems have specific pipe sizes, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a nationally recognized testing laboratory. The hazards against which these systems protect are specifically limited by the testing laboratory as to the type and size based upon actual fire tests. Limitations on hazards that can be protected against by these systems are contained in the manufacturer’s installation manual, which is referenced as part of the listing.

“Pre-engineered water-based system” means a packaged, water-based sprinkler system including all components connected to a water supply and designed to be installed according to pretested limitations.

“Responsible managing employee” means an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is designated as a responsible managing employee for a fire extinguishing system contractor and who meets the requirements for a responsible managing employee established in rule 661—275.3(100C).

“Special hazards suppression system” means a fire extinguishing system utilizing fire detection and control methods to release an extinguishing agent, other than water connected to a dedicated fire protection water supply.

“Wet agent” or *“wet chemical”* means an aqueous solution of organic or inorganic salts or a combination thereof that forms an extinguishing agent.

661—275.3(100C) Responsible managing employee. Each fire extinguishing system contractor shall designate a responsible managing employee and may designate one or more alternate responsible managing employees. A contractor may designate more than one responsible managing employee in order to satisfy the requirements for more than one endorsement as provided in subrule 275.1(2). If more than one responsible managing employee is designated, the contractor shall indicate for which responsible managing employee each designated alternate managing employee serves as an alternate.

275.3(1) The responsible managing employee or employees shall be designated in the application for certification; and, if a responsible managing employee is no longer acting in that role, the contractor shall so notify the fire marshal, in writing, within 30 calendar days, on a form designated by the fire marshal.

275.3(2) If a responsible managing employee is no longer acting in that role and the contractor has designated an alternate responsible managing employee, the alternate responsible managing employee shall become the responsible managing employee and the contractor shall so notify the fire marshal, in writing, within 30 calendar days of the date on which the preceding responsible managing employee ceased to act in that role. If the contractor has designated more than one alternate responsible managing employee, the notice to the fire marshal shall indicate which alternate responsible managing employee has assumed the position of responsible managing employee.

275.3(3) If a responsible managing employee designated by a fire extinguishing system contractor is no longer acting in the role of responsible managing employee and the contractor has not designated an alternate responsible managing employee, the contractor shall designate a new responsible managing employee and shall notify the fire marshal, in writing, of the designation within six months of the date on which the former responsible managing employee ceased to act in that capacity, on a form designated by the fire marshal. If the fire marshal has not been notified of the appointment of a new responsible managing employee within six months of the date on which a responsible managing employee ceased serving in that capacity, the fire marshal shall suspend the certification of the fire extinguishing system contractor.

275.3(4) A responsible managing employee or an alternate responsible managing employee shall meet one of the following requirements:

- a. Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in fire extinguishing system design.
- b. Current certification by the National Institute for Certification in Engineering Technologies at level III or above in fire protection technology, for automatic sprinkler system layout, special hazards suppression systems, or both.
 - (1)
- c. A contractor may install pre-engineered dry chemical or wet agent fire suppression systems, if the responsible managing employee meets the requirements specified in subparagraph (1). ~~Until April 1, 2009, a contractor may install preengineered dry chemical or wet agent fire suppression systems, if the responsible managing employee meets the requirements specified in subparagraph (2), and the contractor has received provisional certification prior to April 1, 2008.~~
 - (1) Certification by the National Institute for Certification in Engineering Technologies at level II or above in fire protection technology; for special hazards suppression systems; certification by the National Association of Fire Equipment Distributors in pre-engineered kitchen fire suppression systems or pre-engineered industrial fire suppression systems; or satisfactory completion of an applicable training or testing program which has been approved by the state fire marshal.

~~(4) On or prior to April 1, 2008, a contractor may receive provisional certification with endorsement for installation of preengineered dry chemical or wet agent systems if the responsible managing employee has completed training required by a manufacturer of at least one system which the contractor installs or maintains. A contractor who is applying for provisional certification on or after April 1, 2007, shall provide documentation to the fire marshal of such training. A contractor who has received provisional certification prior to April 1, 2007, shall, by April 1, 2007, provide documentation of either training required by a manufacturer of at least one system which the contractor installs or maintains or of the training described in subparagraph (1). If satisfactory documentation is provided of the training required in subparagraph (1), the provisional status of the certification shall be removed at no cost to the contractor.~~

~~Provisional certification shall not be recognized on or after April 1, 2009.~~

~~f. 4.~~ A contractor may install pre-engineered water-based systems in one- or two-family dwellings if the responsible managing employee meets the following requirements:

- (1) Satisfactory completion of any training required by the manufacturer for the installation of any system the contractor installs; and
- (2) Satisfactory completion of an applicable training or testing program which has been approved

~~Until April 1, 2008, a contractor may receive provisional certification if the responsible managing employee has satisfactorily completed training required by the manufacturer for the installation of each system which the contractor installs. The provisional certification shall not be recognized on or after April 1, 2009.~~

5. A contractor may inspect and test water-based fire extinguishing systems if the responsible managing employee has current certification from the National Institute for Certification in Engineering Technologies at level III in fire protection technology, inspection and testing of water-based systems.

~~6. A contractor may inspect and test special hazard engineered systems if the responsible managing employee has current certification from the National Association of Fire Equipment Distributors University for Introduction to Clean Agent Systems; and satisfactory completion of manufacturer training; or an applicable training or testing program which has been approved by the state fire marshal.~~

275.3(5) In any case in which training or testing that is offered to satisfy the requirements of this rule is required to be approved by the fire marshal, such approval is required prior to acceptance of the training or testing to meet certification requirements. Approval by the fire marshal of any training or testing to meet these requirements may be sought by the individual, firm, or organization providing the testing or training or initiated by the fire marshal. Any individual, firm or organization seeking to obtain such approval may apply to the fire marshal. An application form for approval of a testing or training program may be obtained by contacting the fire extinguishing system contractors certification program as specified in subrule 275.1(4).

275.3(6) Work performed by a contractor subject to these rules shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee. Work performed in the state shall not begin prior to receipt of new or renewed certification.

275.3(7) Nothing in this rule shall be interpreted to conflict with or diminish any requirement for training or certification for anyone installing or servicing a fire extinguishing system or portable fire extinguisher set forth in any rule of the fire marshal or local fire ordinance or standard adopted by reference therein.

661—275.4(100C) Certification requirements. A fire extinguishing system contractor shall meet all of the following requirements in order to receive certification from the fire marshal and shall continue to meet all requirements throughout the period of certification. The contractor shall notify the fire marshal, in writing, on a form designated by the fire marshal, within 30 calendar days if the contractor fails to meet any requirement for certification.

275.4(1) The contractor shall designate one or more responsible managing employees as provided in rule 661—275.3(100C).

275.4(2) The contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of automatic fire extinguishing systems in the following amounts: \$500,000 per person, \$1,000,000 per occurrence, and \$1,000,000 property damage.

a. The carrier of any insurance coverage maintained to meet this requirement shall notify the fire marshal 30 days prior to the effective date of cancellation or reduction of the coverage.

b. The contractor shall cease operation immediately if the insurance coverage required by this subrule is no longer in force and other insurance coverage meeting the requirements of this subrule is not in force. A contractor shall not initiate any installation of a fire extinguishing system which cannot reasonably be expected to be completed prior to the effective date of the cancellation of the insurance coverage required by this subrule and of which the contractor has received notice, unless new insurance coverage meeting the requirements of this subrule has been obtained and will be in force upon cancellation of the prior coverage.

275.4(3) The contractor shall maintain current registration as a contractor with the labor services division of the Iowa workforce development department in compliance with Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code.

EXCEPTION: A contractor shall not be required to maintain registration with the labor services division of the Iowa workforce development department if the contractor does not meet the definition of “contractor” for purposes of Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code.

275.4(4) The contractor shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and of any political subdivision in which the contractor is performing

661—275.5(100C) Application and fees.

275.5(1) Application. Any contractor seeking certification as a fire extinguishing system contractor shall submit a completed application form to the fire marshal. The application shall be filed no later than ~~30-60~~ days prior to the date on which certification is required or on which an existing certification expires. An application form may be obtained from the fire marshal or from the Web site of the fire extinguishing system contractors certification program. The application form shall be submitted with all required attachments and the required application fee established in subrule 275.5(2). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

NOTE: The Web site for the fire extinguishing system contractors certification program is: <http://www.dps.state.ia.us/fm/fescgp/index.shtml>.

~~**275.5(2) Certification fee.** The certification fee shall be \$500 per \$700 every two years. A fee of \$200 will be required to reinstate any certification suspended pursuant to these rules. If an application is denied, all except \$100 of the fee may be refunded if the applicant applies to the fire marshal for a refund. No refund of the certification fee shall be made if the certification is revoked or if the denial of the certification is based on the applicant's knowingly including false or misleading information on the application.~~

~~If an application for certification provides for more than one responsible managing employee pursuant to rule 661—275.3(100C), there shall be an additional fee of \$50 for each responsible managing employee beyond the first. If an application for certification provides for more than one endorsement as provided in subrule 275.1(2), there shall be an additional fee of \$50 for each endorsement beyond the first.~~

~~EXCEPTION: If a certification is effective after April 1 and no later than June 30, the certification fee shall be \$500. The certification fee for a certification which becomes effective between July 1 and September 30 shall be \$400. The certification fee for a certification which becomes effective between October 1 and December 31 shall be \$300. The certification fee for a certification which becomes effective between January 1 and March 31 shall be \$200. If an application for certification provides for more than one responsible managing employee pursuant to rule 661—275.3(100C), there shall be an additional fee of \$50 for each responsible managing employee beyond the first. If an application for certification provides for more than one endorsement as provided in subrule 275.1(2), there shall be an additional fee of \$50 for each endorsement beyond the first.~~

~~**275.5(3) Late Fee.** Any renewal application received after the existing certification expires is subject to a late fee of \$100 in addition to the renewal fee for each month the certification is delinquent prior to issuance of the renewed certification, unless the fire extinguishing contractor notifies the state fire marshal they are no longer doing work in Iowa by contacting the fire extinguishing system contractors certification program.~~

~~**275.5(34) Payment.** The certification fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Fire Extinguishing System Contractors Certification Program. ~~If the application is denied, the certification fee less \$100 shall be returned to the applicant, except as provided in subrule 275.5(2). Payment cannot be made in cash.~~~~

~~**275.5(4) Amended certification fee.** The fee for issuance of an amended certification is \$100. The fee shall be submitted with the request for an amended certification. A contractor shall request and the fire marshal shall issue an amended certificate for any of the items listed in paragraphs "a," "b," and "c":~~

~~b.— A change in the designation of a responsible managing employee;~~

~~c.— A change in insurance coverage; or~~

~~d.— A change in any other material information included in or with the initial or renewal application. A change in the address of the business is a material change. However, if the request for an amended certificate is solely a change of business address, the address of the business to which the certificate being amended was sent is in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, and the relocation occurs as a result of flooding or storm damage or other conditions which form a basis for the issuance of the disaster emergency proclamation, the fee shall not apply, although an amended certificate shall be issued.~~

~~e. Other changes in the information required in the application form, including renewal of insurance coverage with a new expiration date, shall be reported to the fire marshal but shall not require issuance of an amended certification or payment of the amended certification fee.~~

~~**275.5(56) Attachments.** Required attachments to the application for certification include, but are~~

not limited to, the following:

Documentation verifying that the contractor has in force the insurance coverage required by subrule 275.4(2). The documentation shall include an acknowledgment that the contractor's insurance coverage extends to any work performed by the contractor within the scope of certification pursuant to this chapter. The documentation may consist of a letter from the insurance carrier or a copy of the insurance certificate with an endorsement showing the required information.

a. Documentation verifying that the person designated as the responsible managing employee and any persons designated as alternate responsible managing employees have met the applicable certification requirements.

661—275.6(100C) Veterans, military service members, and certain survivor beneficiaries.~~Any individual while serving honorably on federal active duty, state active duty, or national guard duty, as defined in section 29A.1, applying for licensure as a lead installer or master designer of a fire extinguishing system contractor shall apply for certification following Administrative Rules 661-278.~~

661—275.67(100C) Complaints. Complaints regarding the performance of any certified contractor, failure of a certified contractor to meet any of the requirements established in Iowa Code chapter 100C or this chapter or any other provision of law, or operation as a fire extinguishing system contractor without certification may be filed with the fire marshal. Complaints should be addressed as follows:

~~FESCCP Fire Extinguishing System Contractors Certification Program Fire Marshal Division
Iowa Department of Public Safety~~

~~State Fire Marshal Division Public Safety Headquarters Building~~

~~215 East 7th Street~~

~~Des Moines, Iowa 50319~~

~~Complaints may be submitted by electronic mail to fescep@dps.state.ia.us fmlicensinginfo@dps.state.ia.us or by United States Postal Mail or by facsimile to (515)725-6172.~~

~~Complaints should be as specific as possible and shall clearly identify the contractor against whom the complaint is filed. A form which may be used to file complaints is available on the Web site of the fire extinguishing system contractors certification program. Complaints may be filed without using the complaint form provided, but shall be submitted in writing and are confidential. A complaint may be submitted anonymously, but if the name and contact information of the complainant are provided, the complainant will be notified of the disposition of the complaint. Complaints submitted by email are considered public record.~~

~~NOTE: The Web site for the fire extinguishing system contractors certification program is: <http://www.dps.state.ia.us/fm/fescep/index.shtml>.~~

~~[Editorial change: IAC Supplement 6/17/09]~~

661—275.78(100C) Denial, suspension, or revocation of certification; civil penalties; and appeals. The fire marshal may deny, suspend or revoke the certification of a contractor, or assess a civil penalty to the contractor, if any provision of these rules or any other provision of law related to operation as a fire extinguishing system contractor is violated.

275.78(1) Denial. The fire marshal may deny an application for certification:

a. If the applicant makes a false statement on the application form or in any other submission of information required for certification. "False statement" means providing false information or failing to include material information, such as a previous criminal conviction or action taken by another jurisdiction, when requested on the application form or otherwise in the application process.

b. If the applicant fails to meet all of the requirements for certification established in this chapter.

c. If the applicant is currently barred for cause from acting as a fire extinguishing system contractor in another jurisdiction.

d. If an applicant has previously been barred for cause from operating in another jurisdiction as a fire extinguishing system contractor and if the basis of that action reflects upon the integrity of the applicant in operating as a fire extinguishing system contractor. If an applicant is found to have been previously barred for cause from operating as a fire extinguishing system contractor in another jurisdiction and is no longer barred from doing so, the fire marshal shall evaluate the record of that action

with regard to the likelihood that the applicant would operate with integrity as a certified contractor. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

e. If the applicant has been convicted of a crime which reflects upon the integrity of the applicant in operating as a fire extinguishing system contractor. If an applicant is found to have a criminal record, the fire marshal shall evaluate that record with regard to the likelihood that the applicant would operate with integrity as a certified contractor. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

f. **275.78(2) Suspension.** A suspension of a certification may be imposed by the fire marshal for any violation of these rules or Iowa Code chapter 100C or for a failure to meet any legal requirement to operate as a fire extinguishing system contractor in this state. Failure to provide any notice to the fire marshal as provided in these rules shall be grounds for suspension. An order of suspension shall specify the length of the suspension and shall specify that correction of all conditions which were a basis for the suspension is a condition of reinstatement of the certification even after the period of the suspension.

275.78(3) Revocation. A revocation is a termination of a . A certification may be revoked by the fire marshal for repeated violations or for a violation which creates an imminent danger to the safety or health of individuals protected by a fire extinguishing system incorrectly installed by a certified contractor or when information comes to the attention of the fire marshal which, if known to the fire marshal when the application was being considered, would have resulted in denial of the certification.

A new application for certification from a contractor whose certification had previously been revoked shall not be considered for a period of one year after the effective date of the revocation and, in any event, until every condition which was a basis for the revocation has been corrected. The fire marshal may specify in the revocation order a longer period than one year before a new application for certification may be considered. When a new application for certification from a contractor whose certification was previously revoked is being considered, the applicant may be denied certification based upon the same information which was the basis for revocation even after any such period established by the fire marshal has expired.

275.78(4) Civil penalties. The fire marshal may impose a civil penalty of up to \$500 per day during which a violation has occurred and for every day until the violation is corrected. A civil penalty may be imposed in lieu of or in addition to a suspension or may be imposed in addition to a revocation. A civil penalty shall not be imposed in lieu of a revocation.

275.78(5) Suspension or revocation for nonpayment of child support. The following procedures shall apply to actions taken by the department on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

a. The notice required by Iowa Code section 252J.8 shall be served upon the certified contractor by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the contractor may accept service personally or through authorized counsel.

b. The effective date of revocation or suspension of certification of a contractor, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the contractor.

c. Contractors shall keep the fire marshal informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the fire marshal with copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

d. All applicable fees for an application or reinstatement must be paid by the contractor before a certificate will be issued, renewed, or reinstated after the fire marshal has denied the issuance or renewal of a certification or has suspended or revoked a certification pursuant to Iowa Code chapter 252J.

e. In the event a contractor files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension of the certification, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively within the department of public safety.

NOTE: The procedures established in subrule 275.7(5) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency

which administers a certification program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A, but must be appealed directly to district court.

275.78(6) *Appeals.* Any denial, suspension, or revocation of a certification, or any civil penalty imposed upon a certified contractor under this rule, other than one imposed pursuant to subrule 275.7(5), may be appealed by the contractor within 14 days of receipt of the notice. Appeals of actions taken by the fire marshal under this rule shall be to the commissioner of public safety and shall be treated as contested cases, following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

These rules are intended to implement Iowa Code chapter 100C.

[Filed 5/5/06, Notice 3/29/06—published 5/24/06, effective 7/1/06]

[Filed emergency 9/20/06—published 10/11/06, effective 10/1/06]

[Filed emergency 3/22/07—published 4/11/07, effective 4/1/07]

[Filed emergency 6/30/08—published 7/30/08, effective 7/1/08]

[Editorial change: IAC Supplement 6/17/09]

CHAPTER 276
LICENSING OF FIRE PROTECTION SYSTEM INSTALLERS AND
MAINTENANCE WORKERS

661—276.1(100D) Establishment of program. There is established within the state fire marshal division a fire protection system installer and maintenance worker licensing program. The program is established pursuant to 2009 Iowa Code Supplement chapter 100D as amended by 2010 Iowa Acts, Senate File 2355.

276.1(1) Licensing required. A person shall not act as a fire protection system installer and maintenance worker without being currently licensed as a fire protection system installer and maintenance worker by the state fire marshal, except for the following as provided in 2009 Iowa Code

Supplement section 100D.11 as amended by 2010 Iowa Acts, Senate File 2355:

a. A person licensed as a professional engineer pursuant to Iowa Code chapter 542B who is providing consultation or develops plans or other work concerning the installation or design of fire protection systems shall not be required to be licensed pursuant to this chapter.

b. A person whose work on fire protection systems is limited to routine maintenance shall not be required to be licensed pursuant to this chapter.

c. A person who is licensed as a plumber pursuant to Iowa Code chapter 105 and whose work is within the scope of that license shall not be required to be licensed pursuant to this chapter.

d. A person who is working as an apprentice fire protection system installer and maintenance worker under the direct supervision of a responsible managing employee or under the direct supervision of a licensed fire sprinkler installer and maintenance worker who is on site while the work is being performed shall not be required to be licensed pursuant to this chapter. For purposes of this rule, “direct supervision” means that the person supervising the person performing the work shall be on the job site while the work being supervised is performed.

e. A person who demolishes fire protection system components shall not be required to be licensed pursuant to this chapter when the work involves the demolition of a complete fire protection system or if the work results in a fire protection system ~~s-being~~ placed out of service. If a fire protection system has been placed out of service, work required to place it into service must be performed by a person licensed to perform such work pursuant to this chapter. A person who demolishes a fire protection system or components thereof shall comply with any local ordinance, statute or administrative rule which requires notification to a local fire authority or the state fire marshal.

f. A person who is a responsible managing employee of a fire extinguishing system contractor certified pursuant to Iowa Code chapter 100C shall not be required to be licensed pursuant to this chapter, provided that the work performed which is subject to the provisions of this chapter is within the scope of the endorsement or endorsements of the certification of the certified contractor employing the responsible managing employee.

276.1(2) Endorsement. Any person acting as a fire protection system installer and maintenance worker shall do so only in relation to systems and work covered by the endorsements on the person’s license. The license of each installer and maintenance worker shall carry an endorsement for one or more of the following:

- a.* Automatic sprinkler system installation and maintenance;
- b.* Special hazards fire suppression system installation and maintenance;
- c.* Installation of pre-engineered dry chemical or wet agent fire protection systems;
- d.* Maintenance of pre-engineered dry chemical or wet agent fire protection systems;
- e.* Installation of pre-engineered water-based fire protection systems in one- and two-family dwellings;
- f.* Maintenance of pre-engineered water-based fire protection systems in one- and two-family dwellings;
- g.* Any combination thereof.

276.1(3) Length of licensure. Licensure shall normally be for two years and shall expire on ~~December-March~~ 31 of the year following the issuance of the license. A license which is effective on a date other than ~~January-April~~ 1 shall be effective on the date on which the license is issued and shall expire on ~~December-March~~ 31 of the year following the year in which the license is issued. The fee for licenses issued for less than a full two-year period shall be prorated on the basis of the number of quarters for which the license shall be in effect.

~~EXCEPTION: Any license issued before January 1, 2011, shall expire on December 31, 2012.~~

276.1(4) Inquiries. Inquiries regarding the fire protection system installer and maintenance worker licensing program may be addressed to:

~~FPMI Fire Protection System Installer and Maintenance Worker Licensing Program~~

~~State Fire Marshal Division~~

~~Iowa Department of Public Safety~~

215 East 7th Street

Des Moines, Iowa 50319

Inquiries may be addressed by electronic mail to feseepfmlicensinginfo@dps.state.ia.us; by telephone to (515)725-6145; or by facsimile to (515)725-6172.

[ARC 9032B, IAB 8/25/10, effective 10/1/10]_____

661—276.2(100D) Definitions. The following definitions apply to rules 661—276.1(100D) through 661—276.6(100D):

“*Apprentice fire protection system installer and maintenance worker*” means a person, other than a trainee, who is registered in an apprenticeship program approved by the United States Department of Labor and who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a certified fire extinguishing system contractor or licensed fire protection system installer and maintenance worker.

“*Department*” means the department of public safety.

“*Fire extinguishing system contractor*” means a person(s) engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, service, alteration, addition, testing, maintenance, or maintenance inspection of automatic fire ~~extinguishing-protection~~ systems in this state, as defined in Iowa Code section 100C.1, and who is certified pursuant to Iowa Code chapter 100C.

“*Fire protection system*” means a sprinkler, standpipe, hose system, special hazard system, dry system, foam system, or any water-based fire protection system, whether engineered or pre-engineered and whether manually or automatically activated, used for fire protection purposes which may include an integrated system of underground and overhead piping and which may be connected to a water source.

“*Fire protection system installation*” means to set up or establish a fire protection system for use in an indicated space.

“*Fire protection system installer and maintenance worker*” means a person who, having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance and who is licensed by the department to install or maintain the types of fire protection systems endorsed on the person’s license.

“*Fire protection system maintenance*” means to provide repairs, including all inspections and tests, required to keep a fire protection system and its component parts in an operative condition at all times and the replacement of the system or its component parts when they become undependable or inoperable.

“*Listed*” means equipment, materials, or services included in a list published by a nationally recognized independent testing organization concerned with evaluation of products or services that maintains periodic inspection of the production of listed equipment or materials or periodic evaluation of services and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

“*Pre-engineered fire protection system*” means a fire protection system that has a predetermined flow rate, nozzle pressure, and quantity of extinguishing agent.

“*Responsible managing employee*” means a person who is an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor and who meets the requirements for a responsible managing employee established in Iowa Code chapter 100C and 661—Chapter 275.

“*Routine maintenance*” means the repair or replacement of existing fire protection system components of the same size and type, for which no changes in configuration are made. “Routine

maintenance” does not mean any new installation or any expansion or extension of any existing fire protection system, nor does it mean inspection and testing.

“*Temporary license*” means a license issued to a fire protection system installer and maintenance worker who is licensed or certified in another state and who will perform work in Iowa only within areas covered by a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

“*Trainee*” means a person who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee or a licensed fire protection system installer and maintenance worker who is not a trainee. “Trainee” does not mean a person who is an apprentice fire protection system installer and maintenance worker.

[ARC 9032B, IAB 8/25/10, effective 10/1/10]

661—276.3(100D) Licensing requirements. A fire protection system installer and maintenance worker shall meet all of the following requirements in order to receive a license from the state fire marshal and shall continue to meet all requirements throughout the period of licensure. A licensee shall notify the state fire marshal, in writing ~~on a form designated by the fire marshal~~, within 30 calendar days if the licensee fails to meet any requirement for licensure.

276.3(1) Liability insurance. A licensee is not required to maintain insurance coverage provided that the licensee’s employer maintains insurance coverage equivalent to the requirements of 661-275.4

EXCEPTION: Each licensee, other than a trainee, shall maintain general and complete operations liability insurance covering any work that the licensee is authorized to perform pursuant to any endorsements on the license in the following amounts: \$500,000 per person, \$1,000,000 per occurrence, and \$1,000,000 property damage if not carried by their employer.

a. The carrier of any insurance coverage maintained to meet this requirement shall notify the state fire marshal 30 days prior to the effective date of cancellation or reduction of the coverage.

b. The licensee shall cease work immediately if the insurance coverage required by this subrule is no longer in force and other insurance coverage meeting the requirements of this subrule is not in force. A licensee shall not initiate any work which requires licensure pursuant to this chapter or to 2009 Iowa Code Supplement chapter 100D as amended by 2010 Iowa Acts, Senate File 2355, which cannot reasonably be expected to be completed prior to the effective date of the cancellation of the insurance coverage required by this subrule and of which the licensee has received notice, unless new insurance coverage meeting the requirements of this subrule has been obtained and will be in force upon cancellation of the prior coverage.

EXCEPTION: A licensee is not required to maintain insurance coverage provided that the licensee’s employer maintains insurance coverage equivalent to the requirements of this subrule.

276.3(2) Compliance. Each licensee shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and in any political subdivision in which the licensee is performing work.

276.3(3) Training and experience requirements. An applicant for a license shall meet the following training and experience requirements:

a. ~~For endorsement~~ for automatic sprinkler system installation and maintenance, the applicant shall show evidence of the following:

(1) Satisfactory completion of an apprenticeship program in fire sprinkler installation and maintenance approved by the United States Department of Labor, including four years of employment as an apprentice fire protection system installer and maintenance worker, or submission of evidence of completion of two (2) years of employment as a trainee as a fire protection system installer and maintenance worker in automatic sprinkler systems, and

(2) A passing score on either the United Association Star Fire Sprinkler Mastery Exam or on another examination administered by a nationally recognized third-party testing organization and approved as equivalent by the state fire marshal, or

EXCEPTION: ~~Prior to August 1, 2012, an applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for automatic sprinkler system installation and maintenance upon submission of evidence of completion of 8500 hours of employment as a fire protection system installer and maintenance worker and any of the following:~~

~~3.—Satisfactory completion of an apprenticeship program in fire sprinkler installation and maintenance of four or more years in duration, approved by the United States Department of Labor.~~

~~7.—Passing the United Association Star Fire Sprinkler Mastery Exam or another examination administered by a nationally recognized third-party testing organization and approved as equivalent by the state fire marshal.~~

~~8.—Certification by the National Institute for Certification in Engineering Technologies in Automatic Sprinkler Water-Based System Layout or Inspection and Testing of Water-Based Systems at Level I, or another form of certification or testing administered by a nationally recognized organization and approved as equivalent by the state fire marshal. An applicant for licensure or the applicant's employer may request approval in advance of application from the state fire marshal of a form of certification or testing as equivalent to that required by this paragraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance.~~

~~i.b. For endorsement for special hazards fire protection system installation and maintenance, the applicant shall show evidence of the following:~~

~~(1) Satisfactory completion of an apprenticeship program in installation and maintenance of special hazards fire protection systems approved by the United States Department of Labor or submission of evidence of completion of two (2) years of employment as a trainee as a fire protection system installer and maintenance worker in special hazard systems., and~~

~~(10) Certification by the National Institute for Certification in Engineering Technologies in Special Hazards Protection Systems at Level I, or another form of certification or testing by a nationally recognized organization approved as equivalent by the state fire marshal. An applicant for licensure or the applicant's employer may request approval in advance of application from the state fire marshal of a form of certification or testing as equivalent to that required by this subparagraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance.~~

~~—EXCEPTION 1: If the state fire marshal determines that no appropriate apprenticeship program is readily available, the fire marshal may allow the substitution of documentation of 8500 hours or more of employment in installation and maintenance of special hazards systems in lieu of meeting the apprenticeship requirement. Credit for such work experience obtained on or after October 1, 2010, shall be awarded only for work performed as an apprentice fire protection system installer and maintenance worker or as a licensed fire protection system installer and maintenance worker trainee. An applicant for a license, a certified contractor, or another employer of an applicant for a license may request determination by the state fire marshal that no appropriate apprenticeship is readily available to the applicant. In order to make such a request, the person making the request shall contact the program as specified in subrule 276.1(4) for instructions regarding information to be submitted.~~

~~EXCEPTION 2: Prior to August 1, 2012, an applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for special hazards fire protection system installation and maintenance upon submission of evidence of completion of 8500 hours of employment as a fire protection system installer and maintenance worker and either of the following:~~

~~13.—Satisfactory completion of an apprenticeship program in installation and maintenance of special hazards fire protection systems of four or more years in duration, approved by the United States Department of Labor.~~

~~14.—Certification by the National Institute for Certification in Engineering Technologies in Special Hazards Systems Installation and Maintenance at Level I, or another form of certification or testing administered by a nationally recognized organization and approved as equivalent by the state fire marshal. An applicant for licensure or the applicant's employer may request approval from the state fire marshal of a form of certification or testing as equivalent to that required by this paragraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance.~~

~~o.c. For endorsement for installation or maintenance of pre-engineered dry chemical or wet agent fire protection systems, the applicant shall show evidence of the following:~~

~~(1) To be endorsed as a pre-engineered kitchen fire extinguishing-protection system installer, the applicant shall have successfully completed training and an examination verified by a pre-~~

engineered system manufacturer, an agent of a pre-engineered system manufacturer, or an organization that is approved by the state fire marshal. Completion of training and examination which would qualify the applicant for equivalent endorsement as a responsible managing employee of a certified fire extinguishing system contractor shall be deemed to meet the requirement of this subparagraph. ~~An organization which wishes to be approved pursuant to this subparagraph shall contact the program as specified in subrule 276.1(4) and shall follow the instructions received from the program. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance. An applicant for licensure or the applicant's employer may request approval in advance of application from the state fire marshal of a form of certification or testing as equivalent to that required by this subparagraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval.~~

~~(1)(2)~~ To be endorsed as a pre-engineered kitchen fire ~~extinguishing-protection~~ system maintenance worker, the applicant shall have successfully completed training by the applicant's employer or the system's manufacturer and passed a written or online examination for pre-engineered kitchen fire ~~extinguishing-protection~~ system maintenance that is approved by the state fire marshal. Completion of training and examination which would qualify the applicant for equivalent endorsement as a responsible managing employee of a certified fire ~~extinguishing-protection~~ system contractor shall be deemed to meet the requirement of this subparagraph. ~~An organization which wishes to be approved pursuant to this subparagraph shall contact the program as specified in subrule 276.1(4) and shall follow the instructions received from the program. For any testing which occurs on or after January 1, 2011, such approval shall be obtained in advance. An applicant for licensure or the applicant's employer may request approval in advance of application from the state fire marshal of a form of certification or testing as equivalent to that required by this subparagraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval.~~

~~(2)(3)~~ To be endorsed as a pre-engineered industrial fire ~~extinguishing-protection~~ system installer, the applicant shall possess a training and examination certification from a pre-engineered system manufacturer, an agent of a pre-engineered system manufacturer, or an organization that is approved by the state fire marshal. Completion of training and examination which would qualify the applicant for equivalent endorsement as a responsible managing employee of a certified fire extinguishing system contractor shall be deemed to meet the requirement of this subparagraph. ~~An organization which wishes to be approved pursuant to this subparagraph shall contact the program as specified in subrule 276.1(4) and shall follow the instructions received from the program. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance. An applicant for licensure or the applicant's employer may request approval in advance of application from the state fire marshal of a form of certification or testing as equivalent to that required by this subparagraph by contacting the program as indicated in subrule 276.1(4) and following the instructions given to request such approval.~~

(4) To be endorsed as a pre-engineered industrial fire ~~extinguishing-protection~~ system maintenance worker, the applicant shall have been trained by the applicant's employer and shall have passed a written or online examination for pre-engineered industrial fire ~~extinguishing-protection~~ system maintenance that is approved by the state fire marshal. Completion of training and examination which would qualify the applicant for equivalent endorsement as a responsible managing employee of a certified fire extinguishing system contractor shall be deemed to meet the requirement of this subparagraph. An organization which wishes to be approved pursuant to this subparagraph shall contact the program as specified in subrule 276.1(4) and shall follow the instructions received from the program. For any training which commences on or after January 1, 2011, or testing which occurs on or after July 1, 2011, such approval shall be obtained in advance.

(5) For endorsement for installation of pre-engineered water-based fire protection systems in one- and two-family dwellings, the applicant shall show evidence of satisfactory completion of any training required by the manufacturer for installation of any system that the applicant will install. Completion of training and examination which would qualify the person for equivalent endorsement as a responsible managing employee of a certified fire extinguishing system contractor shall be deemed to meet the requirement of this paragraph.

(6) To be endorsed as a special hazard engineered system inspector only, the applicant shall have current certification from the National Association of Fire Equipment Distributors University for Introduction to Clean Agent Systems; and satisfactory completion of training and examination certification from an engineered system manufacturer, an agent of an engineered system manufacturer, or satisfactory completion of an applicable training or testing program which has been approved by the state fire marshal.

Completion of training and examination which would qualify the applicant for equivalent endorsement as a responsible managing employee of a certified fire extinguishing system contractor shall be deemed to meet the requirement of this subparagraph.

~~P-~~

276.3(4) Continuing education. A license may be renewed only if the licensee has completed 16 or more hours of continuing education in subjects related to the license and its endorsements during the two years preceding the date on which the new license will become effective if it is issued. The continuing education must consist of courses approved by the state fire marshal and must have been completed by the licensee during the two years prior to the effective date of the renewal. Any person or organization which wishes to obtain approval for continuing education courses to satisfy the provisions of this subrule shall contact the program as specified in subrule 276.1(4) and shall follow the instructions received from the program. After January 1, 2011, prior approval must be obtained before a licensee may take a course for which credit toward the requirements of this subrule will be sought

276.3(5) Work performed by an installer subject to these rules shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee. Work performed in the state shall not begin prior to receipt of new or renewed certification.

276.3(65) Temporary license requirements. A person may be issued a temporary license upon submission of an application to the state fire marshal with proof of equivalent licensure or certification in another state, accompanied by the applicable fee. The state fire marshal may require the submission of any documentation of licensure or certification in another state that the state fire marshal deems necessary. A temporary license may be used only in an area which is or has been within the past 180 days subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6. A temporary license shall be in effect for 90 days from the date of issuance and may be renewed once for an additional 90 days.

[ARC 9032B, IAB 8/25/10, effective 10/1/10 (See Delay note at the end of chapter)]

661—276.4(100D) Application and fees.

276.4(1) Application. Any person seeking licensure as a fire protection system installer and maintenance worker shall submit a completed application form to the state fire marshal. The application shall be filed no later than ~~30-60~~ days prior to the date on which licensure is required or on which an existing license expires. An application form may be obtained from the state fire marshal or from the Web site of the fire protection system installer and maintenance worker licensing program. The application form shall be submitted with all required attachments and the required license fee established in subrule 276.4(2) to the state fire marshal as indicated in subrule 276.1(4). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

~~NOTE: The Web site for the fire protection system installer and maintenance worker licensing program is <http://www.dps.state.ia.us/fm/building/fescfp/index.shtml>.~~

276.4(2) License fee.

a. The fee for a permanent or ~~trainee-provisional~~ license, ~~except for a trainee license~~, shall be \$200. ~~If an application is denied, all except \$25 of the fee may be refunded if the applicant applies to the fire marshal for a refund. No refund of the license fee shall be made if the license is revoked or if the denial of the license is based on the applicant's knowingly including false or misleading information on the application. If an application for a license provides for more than one endorsement as provided in subrule 276.1(2), there shall be an additional fee of \$25 for each endorsement beyond the first.~~

~~b.—The fee for a trainee license shall be \$100.~~

b. The fee for a temporary license shall be ~~\$100~~50. A temporary license may be renewed once; the renewal fee shall be \$50.

c. A fee of \$200 will be required to reinstate any license suspended pursuant to these rules.

276.4(3) Payment. The license fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Treasurer State of Iowa Iowa Department of Public Safety. ~~The memo portion of the check should have the following notation: "Fire Protection System Installer and Maintenance Worker Licensing Program."~~ Payment cannot be made in cash.

~~276.4(4) Amended license.~~

~~—The fee for issuance of an amended license is \$25. The fee shall be submitted with a request~~

~~for an amended license. A licensee shall request and the fire marshal shall issue an amended license for any of the following reasons:~~

~~— A change in employer;~~

~~(1) A change in insurance coverage; or~~

~~(1) A change in any other material information included in or with the initial or renewal application.~~

~~A change of address is a material change. However, if the request for an amended license is solely for a change of business address, the former address of the business is in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, and the relocation occurs as a result of flooding or storm damage or other conditions which form a basis for the issuance of the disaster emergency proclamation, the fee shall not apply, although an amended license shall be issued.~~

~~a. Other changes in the information required in the application form, including renewal of insurance coverage with a new expiration date, shall be reported to the fire marshal but shall not require issuance of an amended license or payment of the amended license fee.~~

276.4(4) Late Fee. Any renewal application received after the existing license expires is subject to a late fee of \$100 in addition to the renewal fee for each month the license is delinquent prior to issuance of the renewed license, unless the fire protection system installer and maintenance worker notifies the state fire marshal they are no longer doing work in Iowa by contacting the fire protection system installer and maintenance worker licensing program.

276.4(5) Attachments. Required attachments to the application for a license include, but are not limited to, the following:

a. Documentation verifying that the applicant has in force the insurance coverage required by subrule 276.3(1). The documentation shall include an acknowledgment that the applicant's or employer's insurance coverage extends to any work performed by the licensee within the scope of licensure pursuant to this chapter. The documentation may consist of a letter from the insurance carrier, a copy of the insurance certificate with an endorsement showing the required information, or a signed statement from the applicant's employer attesting that the employer has insurance coverage in effect equivalent to the coverage required by subrule 276.3(1).

b. If the application requests licensure based on work experience, the applicant shall attach a notarized affidavit attesting that the applicant has the required experience.

~~NOTE: An applicant may contact the fire protection system installer and maintenance worker licensing program for assistance with the wording of the affidavit obtain a work experience affidavit from the state fire marshal.~~

[ARC 9032B, IAB 8/25/10, effective 10/1/10]

661—276.5(100D) Complaints.

276.5(1) Complaints regarding the performance of any licensed fire protection system installer and maintenance worker; failure of a licensee to meet any of the requirements established in 2009 Iowa Code Supplement chapter 100D as amended by 2010 Iowa Acts, Senate File 2355, or this chapter or any other provision of law; or persons operating as fire protection system installers and maintenance workers without licensure may be filed with the state fire marshal. Complaints should be addressed as follows:

~~FPMI Fire Protection System Installer and Maintenance Worker Licensing Program~~

~~State Fire Marshal Division~~

~~Iowa Department of Public Safety~~

~~215 East 7th Street~~

~~Des Moines, Iowa 50319~~

276.5(2) Complaints may be submitted by electronic mail to fesccp@dps.state.ia.us or by facsimile to (515)725-6172.

276.5(3) Complaints should be as specific as possible and shall clearly identify the licensee or other person against whom the complaint is filed. Complaints shall be submitted in writing. Complaints submitted via email are considered public record. -A complaint may be submitted anonymously, but if the name and contact information of the complainant are provided, the complainant will be notified of the disposition of the complaint.

[ARC 9032B, IAB 8/25/10, effective 10/1/10]

661—276.6(100C) Veterans, military service members, and certain survivor beneficiaries.-Any individual while serving honorably on federal active duty, state

active duty, or national guard duty, as defined in section 29A.1, applying for licensure as a lead installer or master designer of a fire protection system installers and maintenance workers shall apply for certification following Administrative Rules 661-278.

661—276.76(100D) Denial, suspension, or revocation of licensure; civil penalties; appeals. If a licensee or person who performs work requiring a license violates any provision of these rules or any other provision of law related to work requiring licensure pursuant to this chapter, the state fire marshal may deny, suspend or revoke a license or assess a civil penalty to a licensee or to a person who performs work requiring licensure pursuant to this chapter and who is not licensed.

276.76(1) Denial. The state fire marshal may deny an application for licensure:

a. If the applicant makes a false statement on the application form or in any other submission of information required for licensure. “False statement” means providing false information or failing to include material information, such as a previous criminal conviction or action taken by another jurisdiction, when requested on the application form or otherwise in the application process.

b. If the applicant fails to meet all of the requirements for licensure established in this chapter.

c. If the applicant is currently barred for cause from licensure equivalent to that provided for in this chapter in another jurisdiction.

If an applicant has previously been barred for cause from operating in another jurisdiction as a fire protection system installer and maintenance worker and if the basis of that action reflects upon the integrity of the applicant in operating as a fire protection system installer and maintenance worker. If an applicant is found to have been previously barred for cause from operating as a fire protection system installer and maintenance worker in another jurisdiction and is no longer barred from doing so, the state fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a licensee. If an applicant is denied licensure under this paragraph, the applicant shall be notified of the specific reasons for the denial.

d. If the applicant has been convicted of a crime which reflects upon the integrity of the applicant in operating as a fire protection system installer and maintenance worker. If an applicant is found to have a criminal record, the state fire marshal shall evaluate that record with regard to the likelihood that the applicant would operate with integrity as a licensee. If an applicant is denied licensure under this paragraph, the applicant shall be notified of the specific reasons for the denial.

276.76(2) Suspension. A suspension of a license may be imposed by the state fire marshal for any violation of these rules or 2009 Iowa Code Supplement chapter 100D as amended by 2010 Iowa Acts, Senate File 2355, or for a failure to meet any legal requirement to operate as a fire protection system installer and maintenance worker in this state. Failure to provide any notice to the state fire marshal as required by these rules shall be grounds for suspension. An order of suspension shall specify the length of the suspension and shall specify that correction of all conditions which were a basis for the suspension is a condition of reinstatement of the license even after the period of the suspension.

276.76(3) Revocation.

a. A revocation is a termination of a license. A license may be revoked by the state fire marshal for repeated violations or for a violation which creates an imminent danger to the safety or health of individuals protected by a fire protection system incorrectly installed by a licensee or when information comes to the attention of the state fire marshal which, if known to the state fire marshal when the application was being considered, would have resulted in denial of the license.

b. A new application for a license from an applicant whose license has previously been revoked shall not be considered for a period of one (1) year after the effective date of the revocation and, in any event, until every condition which was a basis for the revocation has been corrected. The state fire marshal may specify in the revocation order a period longer than one (1) year before a new application for a license may be considered. When a new application for a license from a person whose license was previously revoked is being considered, the applicant may be denied a license based upon the same information which was the basis for revocation even after any such period established by the state fire marshal has expired.

276.76(4) Civil penalties. The fire marshal may impose a civil penalty of up to \$500 per day during which a violation has occurred and for every day until the violation is corrected. A civil penalty may be imposed in lieu of or in addition to a suspension or may be imposed in addition to a revocation. A civil penalty shall not be imposed in lieu of a revocation.

276.76(5) Suspension or revocation for nonpayment of child support. The following procedures shall apply to actions taken by the state fire marshal on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

a. The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

b. The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee.

c. Licensees shall keep the state fire marshal informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the fire marshal with copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

d. All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 252J.

In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the state fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the state fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the state fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

e. Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively to the state fire marshal or within the department of public safety.

NOTE: The procedures established in subrule 276.6(5) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

276.76(6) *Suspension or revocation for nonpayment of debts owed state or local government.* The following procedures shall apply to actions taken by the state fire marshal on a certificate of noncompliance received from the Iowa department of revenue pursuant to Iowa Code chapter 272D:

a. The notice required by Iowa Code section 272D.3 shall be served upon the licensee by regular mail.

b. The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.3, shall be 20 days following service upon the licensee.

c. Licensees shall keep the state fire marshal informed of all court actions and centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the state fire marshal with copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

d. All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 272D.

e. In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code section 272D.8, the state fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the state fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the state fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively to the state fire marshal or within the department of public safety.

NOTE: The procedures established in subrule 276.6(6) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

276.76(7) *Appeals.* Any denial, suspension, or revocation of a license, or any civil penalty imposed upon a licensee or other person under this rule, other than one imposed pursuant to subrule 276.6(5) or 276.6(6), may be appealed by the licensee or other person within 14 days of receipt of the notice. Appeals of actions taken by the state fire marshal under this rule shall be to the commissioner of public

Ch 276, Public Safety[661] IAC 10/6/10
safety and shall be treated as contested cases following the procedures established in rules 661—
10.301(17A) through 661—10.332(17A).
[ARC 9032B, IAB 8/25/10, effective 10/1/10]

These rules are intended to implement 2009 Iowa Code Supplement chapter 100D as amended by
2010 Iowa Acts, Senate File 2355.

[Filed ARC 9032B (Notice ARC 8855B, IAB 6/16/10), IAB 8/25/10, effective 10/1/10]¹

[Editorial change: IAC Supplement 10/6/10]

¹ October 1, 2010, effective date of 276.3(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 14, 2010.