

FEB 16 2004
STATE GOVERNMENT

HOUSE FILE 2265
BY HEDDENS

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

A BILL FOR

1 An Act to establish a fire extinguishing system contractor
2 certification program in the office of the state fire marshal,
3 providing for fees and penalties, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2265

1 Section 1. LEGISLATIVE FINDINGS. The general assembly
2 finds and declares that automatic fire extinguishing systems
3 that are properly installed and maintained have historically
4 proven to save lives and property. Building and fire codes
5 adopted at the state and local levels place significant
6 emphasis on the installation of automatic fire extinguishing
7 systems, creating a dire need to qualify the contractors that
8 install and maintain these systems. An improperly installed
9 or maintained automatic fire extinguishing system gives the
10 public a false sense of safety, and systems that are not
11 designed, installed, maintained, or repaired by professionally
12 qualified businesses may result in injuries or even death to
13 the citizens and inhabitants of Iowa. Requiring these
14 contractors to meet certain nationally recognized standards
15 and be certified by the office of the state fire marshal is
16 the most effective and consistent way of providing this needed
17 oversight. It is the intent of the general assembly that the
18 fire extinguishing system contractors advisory board
19 established in this Act assist the state fire marshal with the
20 promulgation of rules and procedures necessary to effectively
21 enforce Code chapter 100C created in this Act, and advise the
22 state fire marshal in all matters pertaining to automatic fire
23 extinguishing systems.

24 Sec. 2. Section 100.1, Code Supplement 2003, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 7. To enforce the fire extinguishing
27 system contractor certification program established in chapter
28 100C.

29 Sec. 3. NEW SECTION. 100C.1 DEFINITIONS.

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. "Automatic dry-chemical extinguishing system" means a
33 system supplying a powder composed of small particles, usually
34 of sodium bicarbonate, potassium bicarbonate, urea-potassium-
35 based bicarbonate, potassium chloride, or monoammonium

1 phosphate, with added particulate material supplemented by
2 special treatment to provide resistance to packing, resistance
3 to moisture absorption, and the proper flow capabilities.

4 2. "Automatic fire extinguishing system" means a system of
5 devices and equipment that automatically detects a fire and
6 discharges an approved fire extinguishing agent onto or in the
7 area of a fire and includes automatic sprinkler systems,
8 carbon dioxide extinguishing systems, deluge systems,
9 automatic dry-chemical extinguishing systems, foam
10 extinguishing systems, halogenated extinguishing systems, or
11 other equivalent fire extinguishing technologies recognized by
12 the fire extinguishing system contractors advisory board.

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

21 4. "Carbon dioxide extinguishing system" means a system
22 supplying carbon dioxide from a pressurized vessel through
23 fixed pipes and nozzles and includes a manual or automatic
24 actuating mechanism.

25 5. "Deluge system" means a sprinkler system employing open
26 sprinklers attached to a piping system connected to a water
27 supply through a valve that is opened by the operation of a
28 detection system installed in the same area as the sprinklers.

29 6. "Fire extinguishing system contractor" means a person
30 engaging in or representing oneself to the public as engaging
31 in the activity or business of layout, installation, repair,
32 alteration, addition, maintenance, or maintenance inspection
33 of automatic fire extinguishing systems in this state.

34 7. "Foam extinguishing system" means a special system
35 discharging foam made from concentrates, either mechanically

1 or chemically, over the area to be protected.

2 8. "Halogenated extinguishing system" means a fire
3 extinguishing system using one or more atoms of an element
4 from the halogen chemical series of fluorine, chlorine,
5 bromine, and iodine.

6 9. "Maintenance inspection" means periodic inspection and
7 certification completed by a fire extinguishing system
8 contractor. For purposes of this chapter, "maintenance
9 inspection" does not include an inspection completed by a
10 local building official, fire inspector, or insurance
11 inspector, when acting in an official capacity.

12 10. "Responsible managing employee" means an owner,
13 partner, officer, or manager employed full-time by a fire
14 extinguishing system contractor who has any of the following
15 qualifications:

16 a. Is certified by the national institute for
17 certification in engineering technologies at a level III in
18 fire protection technology, automatic sprinkler system layout,
19 or another recognized certification in automatic sprinkler
20 system layout recognized by the fire extinguishing system
21 contractors advisory board.

22 b. Is a professional engineer registered in this state
23 having at least three years experience with automatic fire
24 extinguishing systems.

25 c. Meets any other criteria established by rule under this
26 chapter.

27 Sec. 4. NEW SECTION. 100C.2 CERTIFICATION -- EMPLOYEES.

28 1. A person shall not act as a fire extinguishing system
29 contractor without first obtaining a fire extinguishing system
30 contractor's certificate pursuant to this chapter.

31 2. A responsible managing employee may act as a
32 responsible managing employee for only one fire extinguishing
33 system contractor at a time. The responsible managing
34 employee shall not be designated as the responsible managing
35 employee for more than two fire extinguishing system

1 contractors in any twelve-month period.

2 3. An employee of a certified fire extinguishing system
3 contractor working under the direction of a responsible
4 managing employee is not required to obtain and maintain an
5 individual fire extinguishing system contractor's certificate.

6 Sec. 5. NEW SECTION. 100C.4 APPLICATION -- INFORMATION
7 TO BE PROVIDED.

8 1. A fire extinguishing system contractor shall apply for
9 a certificate on a form prescribed by the state fire marshal.
10 The application shall be accompanied by a fee in an amount
11 prescribed by rule and shall include all of the following
12 information:

13 a. The name, address, and telephone number of the
14 contractor, including all legal and fictitious names.

15 b. Proof of insurance coverage required by section 100C.5.

16 c. The name and qualifications of the person designated as
17 the contractor's responsible managing employee and of persons
18 designated as alternate responsible managing employees.

19 d. Any other information deemed necessary by the state
20 fire marshal.

21 2. Upon receipt of a completed application, if the
22 contractor meets all requirements established by this chapter,
23 the state fire marshal shall issue a certificate to the fire
24 extinguishing system contractor within thirty days.

25 3. Certificates shall expire and be renewed as established
26 by rule.

27 4. Any change in the information provided in the
28 application shall be promptly reported to the state fire
29 marshal. When the employment of a responsible managing
30 employee is terminated, the fire extinguishing system
31 contractor shall notify the state fire marshal within thirty
32 days after termination.

33 Sec. 6. NEW SECTION. 100C.5 INSURANCE.

34 A fire extinguishing system contractor shall maintain
35 general and complete operations liability insurance for the

1 layout, installation, repair, alteration, addition,
2 maintenance, and inspection of automatic fire extinguishing
3 systems in an amount determined by the state fire marshal by
4 rule.

5 Sec. 7. NEW SECTION. 100C.6 REVOCATION.

6 The state fire marshal shall revoke the certificate of any
7 fire extinguishing system contractor who fails to maintain
8 compliance with the conditions necessary to obtain a
9 certificate. A certificate may also be revoked if any of the
10 following occur:

11 1. The employment or relationship of a responsible
12 managing employee with a fire extinguishing system contractor
13 is terminated, unless the fire extinguishing system contractor
14 has included a qualified alternate on the application or an
15 application designating a new responsible managing employee is
16 filed with the state fire marshal within six months after the
17 termination.

18 2. The contractor fails to comply with any provision of
19 this chapter.

20 3. The contractor fails to comply with any other
21 applicable codes and ordinances.

22 Sec. 8. NEW SECTION. 100C.7 APPLICABILITY.

23 This chapter shall not be construed to do any of the
24 following:

25 1. Relieve any person from payment of any local permit or
26 building fee.

27 2. Limit the power of the state or a political subdivision
28 of the state to regulate the quality and character of work
29 performed by fire extinguishing system contractors through a
30 system of fees, permits, and inspections designed to ensure
31 compliance with, and aid in the administration of, state and
32 local building codes or to enforce other local laws for the
33 protection of the public health and safety.

34 Sec. 9. NEW SECTION. 100C.8 ADMINISTRATION -- RULES.

35 The state fire marshal shall administer this chapter and

1 with the assistance of the fire extinguishing system
2 contractors advisory board shall adopt rules pursuant to
3 chapter 17A necessary for the administration and enforcement
4 of this chapter.

5 Sec. 10. NEW SECTION. 100C.9 PENALTIES.

6 1. A person who violates any provision of this chapter is
7 guilty of a simple misdemeanor.

8 2. The state fire marshal may impose a civil penalty of up
9 to five hundred dollars on any person who violates any
10 provision of this chapter for each day a violation continues.
11 The state fire marshal may adopt rules necessary to enforce
12 and collect any penalties imposed pursuant to this chapter.

13 Sec. 11. NEW SECTION. 100C.10 DEPOSIT AND USE OF MONEYS
14 COLLECTED.

15 All fees and penalties collected pursuant to this chapter
16 by the state fire marshal shall be deposited in the general
17 fund of the state and are appropriated to the office of the
18 state fire marshal for the purpose of administering this
19 chapter.

20 Sec. 12. NEW SECTION. 100C.11 FIRE EXTINGUISHING SYSTEM
21 CONTRACTORS ADVISORY BOARD.

22 1. A fire extinguishing system contractors advisory board
23 is established in the division of fire protection of the
24 department of public safety and shall advise the state fire
25 marshal on matters pertaining to the application and
26 certification of fire extinguishing system contractors
27 pursuant to this chapter.

28 2. The board shall consist of seven voting members
29 appointed by the commissioner of public safety as follows:

30 a. Two full-time fire officials of incorporated
31 municipalities or counties.

32 b. One full-time building official of an incorporated
33 municipality or county.

34 c. Two fire extinguishing system contractors, certified
35 pursuant to this chapter, of which at least one shall be a

1 water-based fire sprinkler contractor.

2 d. One professional engineer or architect licensed in the
3 state.

4 e. One representative of the general public.

5 3. The state fire marshal, or the state fire marshal's
6 designee, shall be a nonvoting ex officio member of the board.

7 4. The commissioner shall initially appoint two members
8 for two-year terms, two members for four-year terms, and three
9 members for six-year terms. Following the expiration of the
10 terms of initially appointed members, each term thereafter
11 shall be for a period of six years. No member shall serve
12 more than two consecutive terms.

13 5. Each voting member of the council shall receive per
14 diem compensation at the rate specified in section 7E.6 for
15 each day spent in the performance of the member's duties. All
16 members of the council shall receive actual and necessary
17 expenses incurred in the performance of their duties.

18 6. Four voting members of the advisory board shall
19 constitute a quorum. A majority vote of the board shall be
20 required to conduct business.

21 7. The board, with the assistance of the state fire
22 marshal, shall establish rules regarding the election of board
23 officers, the establishment of meeting dates and locations,
24 and any other procedural requirements necessary to maintain
25 the board.

26 **EXPLANATION**

27 This bill establishes a program within the office of the
28 state fire marshal in the division of fire protection of the
29 department of public safety for the certification of fire
30 extinguishing system contractors doing business in the state
31 of Iowa.

32 The bill requires all contractors who engage in or
33 represent themselves to the public as engaging in the business
34 of layout, installation, repair, or maintenance of automatic
35 fire extinguishing systems to be certified by the state fire

1 marshal. The bill defines various types of automatic fire
2 extinguishing systems. To receive a certificate, the
3 contractor must provide information regarding its business and
4 proof of liability insurance coverage. The contractor must
5 also designate a responsible managing employee who must have
6 certain qualifications in fire protection technology or be
7 otherwise qualified.

8 The bill provides for certificate revocation criteria,
9 applicability of the program's provisions to local or other
10 state powers regarding fire extinguishing system contractors,
11 the administration of the chapter by the state fire marshal,
12 general rulemaking authority of the state fire marshal, and
13 penalties in the form of a simple misdemeanor and civil
14 penalties. A simple misdemeanor is punishable by confinement
15 for no more than 30 days or a fine of at least \$50 but not
16 more than \$500 or by both. A civil penalty may be assessed up
17 to \$500 per violation per day.

18 The bill directs that all fees and penalties collected
19 under the chapter be deposited in the general fund and
20 appropriates those funds to the office of the state fire
21 marshal for administration of the chapter.

22 The bill establishes a fire extinguishing system
23 contractors advisory board within the division of fire
24 protection for the purpose of advising the state fire marshal
25 on the administration of the program. The board consists of
26 seven voting members who represent city or county fire
27 officials, city or county building officials, fire
28 extinguishing system contractors, and either an engineer or
29 architect to be appointed by the commissioner of public safety
30 and serve six-year terms after the initial appointment period.
31 The state fire marshal or a designee shall serve as a
32 nonvoting member of the board. The board shall establish its
33 own procedures for meetings and elections of officers.

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