

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to inspectors of boilers and pressure vessels

The Labor Commissioner hereby amends Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 89.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 89.

Purpose and Summary

This rule making integrates the statutory requirement that a commissioned special inspector be a representative of a “reputable insurance company” with the administrative rules for commissioned special inspectors.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 31, 2019, as **ARC 4565C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on September 26, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on November 27, 2019.

The following rule-making actions are adopted:

ITEM 1. Renumber subrules **90.9(1)** to **90.9(9)** as **90.9(2)** to **90.9(10)**.

ITEM 2. Adopt the following **new** subrule 90.9(1):

90.9(1) *Definition of “reputable insurance company.”* As used in this rule, “reputable insurance company” means a company recognized by the Iowa insurance division as a licensed insurer, a risk retention group, an alien surplus lines insurer, or a surplus lines insurer.

ITEM 3. Amend renumbered subrule 90.9(5) as follows:

90.9(5) *Denials.* The labor commissioner may refuse to issue or renew a special inspector’s commission for failure to complete an application package, if the applicant or inspector does not hold a National Board commission, or for any reason listed in subrules ~~90.9(6)~~ 90.9(7) to ~~90.9(8)~~ 90.9(9).

ITEM 4. Amend renumbered subrule 90.9(7) as follows:

90.9(7) *Reasons for probation.* The labor commissioner may issue a notice of commission probation when an investigation reasonably reveals that the special inspector does not represent a reputable insurance company or the special inspector filed inaccurate reports.

ITEM 5. Amend renumbered paragraphs **90.9(8)“f,” “i” and “j”** as follows:

f. The special inspector committed numerous violations as described in subrule ~~90.9(6)~~ 90.9(7);
i. The division received a certificate of noncompliance; ~~or~~
j. The special inspector failed to take appropriate disciplinary actions against a subordinate special inspector who has committed repeated acts or omissions listed in paragraphs “a” to “h” of this subrule; or

ITEM 6. Adopt the following **new** paragraph **90.9(8)“k”**:

k. The special inspector does not represent a reputable insurance company.

ITEM 7. Amend renumbered paragraphs **90.9(9)“e,” “h” and “i”** as follows:

e. The special inspector committed repeated violations as described in subrule ~~90.9(7)~~ 90.9(8);
h. The National Board revoked or suspended the special inspector’s work card; ~~or~~
i. The division received a certificate of noncompliance; or

ITEM 8. Adopt the following **new** paragraph **90.9(9)“j”**:

j. The special inspector does not represent a reputable insurance company.

[Filed 9/26/19, effective 11/27/19]

[Published 10/23/19]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/23/19.