

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rule making related to licensing of fire protection and alarm systems contractors and technicians and providing an opportunity for public comment

The Public Safety Department hereby proposes to amend Chapter 275, “Certification of Automatic Fire Extinguishing System Contractors,” Chapter 276, “Licensing of Fire Protection System Installers and Maintenance Workers,” and Chapter 277, “Certification of Alarm System Contractors and Installers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 100C.7 and 100D.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 100C and 100D.

Purpose and Summary

The purposes of amending Chapters 275, 276, and 277 are to remove provisional language that no longer applies, to add updated language for new qualifications that are now accepted by the State Fire Marshal’s office, and to comply with changes passed in 2020 Iowa Acts, House File 2627, for Iowa Code chapter 272C. Included in the updates are references to the current titles for licensure within the industry. Provisional language that has been removed related to dates ten years or more in the past that were specifically referenced within the rules.

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

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. 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 Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 8, 2020. Comments should be directed to:

Sarah Jennings
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: jennings@dps.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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).

The following rule-making actions are proposed:

ITEM 1. Amend **661—Chapter 275**, title, as follows:

CERTIFICATION LICENSING OF AUTOMATIC FIRE EXTINGUISHING PROTECTION SYSTEM CONTRACTORS

ITEM 2. Amend rules 661—275.1(100C) to 661—275.4(100C) as follows:

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

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

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

- a. ~~Automatic sprinkler system layout; installation.~~
- b. ~~Special hazards suppression systems; installation.~~
- c. ~~Installation of preengineered~~ Preengineered dry chemical or wet agent fire suppression systems; installation.
- d. ~~Installation of preengineered~~ Preengineered water-based fire suppression systems in one- and two-family dwellings; installation.
- e. ~~Testing and inspection of water-based systems; or~~ Automatic sprinkler system maintenance inspection.
- f. ~~Any combination thereof~~ Special hazards system maintenance inspection.
- g. Preengineered dry chemical or wet agent fire suppression systems maintenance inspection.
- h. Preengineered water-based fire suppression systems in one- and two-family dwellings maintenance inspection.

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~~ license.

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

shall be effective on the date on which the certification license 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:~~

~~(1) 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 Inquiries regarding the fire extinguishing system contractors certification program protection system contractor license may be addressed to:~~

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

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

661—275.2(100C) Definitions. The following definitions apply to rules 661—275.1(100C) through 661—275.7(100C) 661—275.9(100C):

“Aerosol fire extinguishing system” means a system that uses a combination of microparticles and gaseous matter to flood the protected area. The particles are in a vapor state until discharged from the device. On release, a chain reaction produces solid particles and gaseous matter to suppress the fire.

“Automatic dry-chemical extinguishing system” means a system supplying a powder composed of small particles, usually of sodium bicarbonate, potassium bicarbonate, urea-potassium-based bicarbonate, potassium chloride, or monoammonium phosphate, with added particulate material supplemented by special treatment to provide resistance to packing, resistance to moisture absorption, and the proper flow capabilities.

“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 systems, hybrid-inert water mist systems, 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,*” “*fire protection 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.

“*Hybrid-inert water mist system*” means a system that combine the benefits of inert gas systems and water mist systems to extinguish fires. These systems provide both extinguishment and cooling to prevent reignition utilizing nontoxic, non-ozone-depleting hybrid media.

“*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.

“*Offense directly relates*” refers to either of the following:

1. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

2. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

“*Preengineered 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.

“*Preengineered 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~~; ~~licensure~~, 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 as provided in subrule 275.1(4).~~

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 state 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 state 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 state fire marshal, in writing ~~as provided in subrule 275.1(4)~~, 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 state 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 state fire marshal shall suspend the ~~certification~~ license of the fire ~~extinguishing protection~~ system contractor.

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

~~a. Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in fire extinguishing system design. Automatic sprinkler system installation:~~

~~(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in fire extinguishing system design, or~~

~~(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level III or above in water-based systems layout, or~~

~~(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~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. Special hazards system installation:~~

~~(1) Prior to April 1, 2008, a fire extinguishing system contractor may receive provisional certification if the person designated as the contractor’s responsible managing employee has initiated procedures for obtaining certification by the National Institute for Certification in Engineering Technologies at level III in fire protection technology for automatic sprinkler system layout, special hazards suppression systems, or both, and has satisfactorily completed testing which is offered by a third party and has been approved by the fire marshal, for competency in fire protection technology for~~

~~automatic sprinkler system layout, special hazards suppression systems, or both. The contractor shall provide the fire marshal with notification and documentation of the satisfactory completion of required third-party testing within 30 days after the date on which the contractor's provisional certification was initially issued. Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in fire extinguishing system design, or~~

~~After one year of provisional certification of the contractor, the responsible managing employee shall have current certification by the National Institute for Certification in Engineering Technologies at level II or above in fire protection technology for automatic sprinkler system layout, special hazards suppression systems, or both. Documentation that this requirement has been met shall be provided by the contractor to the fire marshal within 30 days after the one-year anniversary of the effective date of the initial provisional certification.~~

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

~~(2) Reserved. Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level III or above in special hazard systems, or~~

~~(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~c. A contractor may install preengineered 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. Preengineered dry chemical or wet agent fire suppression system installation:~~

~~(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 preengineered kitchen fire suppression systems or preengineered industrial fire suppression systems; or satisfactory completion of an applicable training or testing program which has been approved by the fire marshal. Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in special hazard systems, or~~

~~(2) 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. Current certification by the National Association of Fire Equipment Distributors (NAFED) in preengineered kitchen fire suppression systems, preengineered industrial fire suppression systems, or both, or~~

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

~~(3) Satisfactory completion of any training required by the manufacturer for the installation of any system the contractor installs, or~~

~~(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~d. A contractor may install preengineered water-based systems in one- or two-family dwellings if the responsible managing employee meets the following requirements Preengineered water-based fire suppression system in one- and two-family dwellings installation:~~

~~(1) Satisfactory completion of any training required by the manufacturer for the installation of any system the contractor installs; and Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in special hazard systems, or~~

~~(2) Satisfactory completion of an applicable training or testing program which has been approved by the fire marshal. any training required by the manufacturer for the installation of any system the contractor installs, or~~

~~(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~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.~~

~~e. 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. Automatic sprinkler system maintenance inspection:~~

~~(1) Prior to April 1, 2008, a contractor may receive provisional certification with an endorsement for inspection and testing of water-based fire extinguishing systems if the responsible managing employee has initiated procedures for obtaining certification from the National Institute for Certification in Engineering Technologies at level III in fire protection technology, inspection and testing of water-based systems. After one year of provisional certification with an endorsement for inspection and testing of water-based fire extinguishing systems, the responsible managing employee shall have certification from the National Institute for Certification in Engineering Technologies at level II in fire protection technology, inspection and testing of water-based systems. Current certification from the National Institute for Certification in Engineering Technologies (NICET) at level II in water-based system layout, or~~

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

~~(2) Reserved. Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in inspection and testing of water-based systems, or~~

~~(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~f. Special hazards system maintenance inspection:~~

~~(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in special hazard systems, or~~

~~(2) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~g. Preengineered dry chemical or wet agent fire suppression system maintenance inspection:~~

~~(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or~~

~~(2) Current certification by the National Association of Fire Equipment Distributors (NAFED) in preengineered kitchen fire suppression systems, preengineered industrial fire suppression systems, or both, or~~

~~(3) Satisfactory completion of any training required by the manufacturer for the maintenance and inspection of any system the contractor inspects, or~~

~~(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~h. Preengineered water-based fire suppression system maintenance inspection:~~

~~(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or~~

~~(2) Satisfactory completion of any training required by the manufacturer for the maintenance and inspection of any system the contractor inspects, or~~

~~(3) Satisfactory completion of an applicable training or testing program that 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 state fire marshal, such approval is required prior to acceptance of

the training or testing to meet ~~certification~~ licensure requirements. Approval by the state 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 state fire marshal. Any individual, firm or organization seeking to obtain such approval ~~may shall~~ apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. ~~An application form for approval of a testing or training program may be obtained by contacting the fire extinguishing system contractors certification program~~ Program information and any other documentation requested by the state fire marshal for consideration shall be submitted to the state fire marshal as specified in subrule 275.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

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:

- a. Receipt of new or renewed license issued by the state fire marshal to the applicant, or
- b. Receipt of written approval to perform work prior to issuance of a new or renewed license from the state fire marshal to the applicant.

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 state fire marshal or local fire ordinance or standard adopted by reference therein.

661—275.4(100C) ~~Certification~~ License requirements. A fire extinguishing system contractor shall meet all of the following requirements in order to receive ~~certification~~ licensure from the state fire marshal and shall continue to meet all requirements throughout the period of ~~certification~~ licensure. The contractor shall notify the state fire marshal, in writing, ~~on a form designated by the fire marshal as specified in subrule 275.1(4),~~ within 30 calendar days if the contractor fails to meet any requirement for ~~certification~~ licensure.

275.4(1) No change.

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 state 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. The contractor shall provide a copy of the contractor's current registration from Iowa workforce development with the contractor's application for licensure.

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. Written documentation of such exemption must be provided to the state fire marshal at the time of application for licensure as a fire protection system contractor.

275.4(4) No change.

275.4(5) A license may be renewed only if the licensee has completed recertification of the applicable requirements relative to the endorsements for which the licensee is renewing.

ITEM 3. Renumber rules **661—275.5(100C)** to **661—275.7(100C)** as **661—275.6(100C)** to **661—275.8(100C)**.

ITEM 4. Adopt the following new rule 661—275.5(272C):

661—275.5(272C) Licensure of persons licensed in other jurisdictions.

275.5(1) For the purposes of this rule, “issuing jurisdiction” means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

275.5(2) Notwithstanding any other provision of law, a fire protection system contractor license shall be issued without an examination to a person who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:

a. The person is currently licensed by at least one other issuing jurisdiction as a fire protection system contractor with a substantially similar scope of practice and the license is in good standing in all issuing jurisdictions in which the person holds a license.

b. The person has been licensed by another issuing jurisdiction for at least one year.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, if applicable.

e. The person has not had a license revoked and has not voluntarily surrendered a license in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the state fire marshal shall determine if the cause for the action was corrected and the matter resolved. If the state fire marshal determines that the matter has not been resolved by the jurisdiction imposing discipline, the state fire marshal shall not issue or deny a license to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the state fire marshal shall not issue or deny a license to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the fire protection system contractor license applied for in this state.

275.5(3) A person licensed pursuant to this rule is subject to the laws regulating the person’s practice in this state and is subject to the jurisdiction of the state fire marshal.

275.5(4) This rule does not apply to any of the following:

a. The ability of the state fire marshal to require the submission of fingerprints or completion of a criminal history check.

b. The ability of the state fire marshal to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. If the state fire marshal requires an application to take and pass an examination specific to the laws of this state, the state fire marshal shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

275.5(5) Except as provided in subrule 275.5(2), a person applying for a license in this state who relocates to this state from another state that did not require a license to practice as a fire protection system contractor may be considered to have met any education, training, or work experience requirements imposed by the state fire marshal in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the state fire marshal.

275.5(6) A person applying for a license in this state under the requirements of this subrule shall submit their request in writing to the state fire marshal as established in subrule 275.1(4) providing proof of residency in this state and documentation to verify all conditions are met under this subrule.

ITEM 5. Amend renumbered rules 661—275.6(100C) to 661—275.8(100C) as follows:

661—275.6(100C) Application and fees.

275.6(1) Application. Any contractor seeking ~~certification licensure~~ as a fire ~~extinguishing~~ protection system contractor shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date ~~on which certification is required of beginning work in this state or the date on which an existing certification license expires.~~ An application form may be obtained from the ~~state fire marshal or from the Web site of the fire extinguishing system contractors certification program~~ state fire marshal's website. The application form shall be submitted with all required attachments and the required application fee established in subrule ~~275.5(2)~~ 275.6(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~~ website for the fire ~~extinguishing system contractors certification~~ protection system contractor license program is: <http://www.dps.state.ia.us/fm/fescep/index.shtml> [dps.iowa.gov/divisions/state-fire-marshal/licensing/fire-protection.](http://dps.iowa.gov/divisions/state-fire-marshal/licensing/fire-protection)

275.6(2) Certification License fee.

a. The ~~certification license~~ fee shall be \$500 per year. ~~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.~~

b. If an application for ~~certification licensure~~ 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 licensure~~ 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.

c. The state fire marshal shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

~~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.~~

275.6(3) Payment. The ~~certification license~~ 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 Iowa State Fire Marshal Division. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 275.1(4). ~~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 shall not be made in cash.~~

275.6(4) Amended certification licensure fee. The fee for issuance of an amended ~~certification~~ license is \$100 the difference between the original license fee paid and changes in endorsement(s) or responsible managing employee(s), if applicable. The fee shall be submitted with the request for an amended ~~certification~~ license. A contractor shall request and the fire marshal shall issue an amended ~~certification~~ license for any of the items listed in paragraphs "*a*," "*b*," and "*c*" below, and a fee does not apply:

a. A change in the designation of a responsible managing employee;
b. A change in insurance coverage; or
c. 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~~ license is solely a change of business address, the address of the business to which the ~~certificate~~ license 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~~ license shall be issued.

d. 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~~ license or payment of the amended ~~certification~~ license fee.

275.6(5) Attachments. Required attachments to the application for ~~certification~~ licensure include, but are not limited to, the following:

a. 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~~ licensure 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.

b. 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~~ licensure requirements.

c. Documentation of qualifying licensure in another issuing jurisdiction by providing the following:

(1) Proof of residency in this state.

(2) Proof all conditions are met as established in rule 661—275.5(272C).

1. Copy of a license from other issuing jurisdiction.

2. Evidence the applicant met the issuing jurisdiction's educational requirements and, if applicable, work experience requirements.

3. Evidence the applicant passed the issuing jurisdiction's required examination, if applicable.

4. Evidence the applicant has not had a license revoked or voluntarily surrendered, had discipline imposed, or been under investigation by another issuing jurisdiction.

5. Evidence the applicant does not have a complaint, allegation, or investigation pending before any regulatory entity related to unprofessional conduct.

661—275.7(100C) Complaints. Complaints regarding the performance of any ~~certified~~ licensed contractor, failure of a ~~certified~~ licensed 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~~ licensure may be filed with the state fire marshal. Complaints should be addressed as follows:

~~Fire Extinguishing System Contractors Certification Program~~

~~State Fire Marshal Division~~

~~Iowa Department of Public Safety~~

~~State Public Safety Headquarters Building Attn: SFM Licensing Administration~~

~~215 East 7th Street~~

~~Des Moines, Iowa 50319~~

Complaints may be submitted by electronic mail to fesecp@dps.state.ia.us or by facsimile to (515)725-6172 sfmlicense@dps.state.ia.us or by the United States Postal Service.

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.~~ Complaints shall be submitted in writing

to the state fire marshal. 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.

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

661—275.8(100C) Denial, suspension, or revocation of ~~certification~~ licensure; civil penalties; and appeals. The state fire marshal may deny, suspend or revoke the ~~certification~~ licensure 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.

275.8(1) Denial. The state fire marshal may deny an application for ~~certification~~ licensure for reasons including, but not limited to:

a. If the applicant makes a false statement on the application form or in any other submission of information required for ~~certification~~ 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 ~~certification~~ licensure 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 state fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a ~~certified~~ licensed 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.~~ Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory or country. “Conviction” as used in this subrule includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee’s profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

g. Willful or repeated violations of the provisions of this chapter.

275.8(2) Suspension. A suspension of a ~~certification~~ licensure may be imposed by the state 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 state 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~~ licensure even after the period of the suspension.

275.8(3) Revocation. A revocation is a termination of a ~~certification~~ licensure. A ~~certification~~ licensure 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 extinguishing system incorrectly installed by a ~~certified~~ licensed contractor 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 ~~certification~~ license.

A new application for ~~certification~~ licensure from a contractor whose ~~certification~~ license 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 state fire marshal may specify in the revocation order a longer period than one year before a new application for ~~certification~~ licensure may be considered. When a new application for ~~certification~~ licensure from a contractor whose ~~certification~~ license was previously revoked is being considered, the applicant may be denied ~~certification~~ licensure based upon the same information which was the basis for revocation even after any such period established by the state fire marshal has expired.

275.8(4) Disqualifications for criminal convictions limited.

a. Notwithstanding any other provision of law to the contrary, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the state fire marshal does not grant an exception pursuant to paragraph 275.9(4) "d."

b. The state fire marshal shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

c. The state fire marshal shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on another similar basis.

d. The state fire marshal shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

(1) The nature and seriousness of the crime for which the applicant was convicted.

(2) The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of Iowa Code section 709.4, a sexually violent offense as defined in Iowa Code section 229A.2, dependent adult abuse in violation of Iowa Code section 235B.20, a forcible felony as defined in Iowa Code section 702.11, or domestic abuse assault in violation of Iowa Code section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

(3) The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

(4) The age of the applicant at the time the offense was committed.

(5) Any treatment undertaken by the applicant.

(6) Whether a certificate of employability has been issued to the applicant pursuant to Iowa Code section 906.19.

(7) Any letters of reference submitted on behalf of the applicant.

(8) All other relevant evidence of rehabilitation and present fitness of the applicant.

e. An applicant may petition the state fire marshal in writing as specified in subrule 275.1(4) for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The state fire marshal shall issue such a determination within 30 days of receiving the petition. The state fire marshal shall determine whether an applicant's criminal record will prevent the applicant from receiving a license while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. The state fire marshal may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed \$25.

f. When the state fire marshal denies an applicant a license solely or partly because of the applicant's prior conviction of a crime, the state fire marshal shall notify the applicant in writing of all of the following:

- (1) The grounds for the denial or disqualification.
- (2) That the applicant has the right to a hearing to challenge the state fire marshal's decision.
- (3) The earliest date the applicant may submit a new application.
- (4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

g. A determination by the state fire marshal that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in paragraph 275.8(4) "d" sufficient for a review by a court.

h. In any administrative or civil hearing authorized by this rule or Iowa Code chapter 17A, the state fire marshal shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

i. The state fire marshal may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. The state fire marshal may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subrule, "complete criminal record" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

275.8(4) 275.8(5) Civil penalties. The state 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.

275.8(5) 275.8(6) 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~~ licensed 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~~ licensure 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 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 state fire marshal with copies, within 7 seven 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~~ license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a ~~certification~~ license or has suspended or revoked a ~~certification~~ license 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 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 department to proceed. For the purpose of determining the effective date of revocation or suspension of the ~~certification~~ license, 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) 275.8(6) 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~~ licensure 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.

275.8(7) 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 seven 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 275.8(7) 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.

275.8(6) Appeals. Any denial, suspension, or revocation of a ~~certification~~ license, or any civil penalty imposed upon a ~~certified~~ licensed contractor under this rule, other than one imposed pursuant to subrule ~~275.7(5)~~ 275.8(6) or 275.8(7), may be appealed by the contractor 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 safety and shall be treated as contested cases, following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

ITEM 6. Adopt the following **new** rule 661—275.9(272C):

661—275.9(272C) 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 Iowa Code section 29A.1, applying for licensure as a fire protection system contractor shall apply for licensure following 661—Chapter 278.

ITEM 7. Amend **661—Chapter 276**, title, as follows:

**LICENSING OF FIRE PROTECTION SYSTEM INSTALLERS AND
MAINTENANCE WORKERS TECHNICIANS**

ITEM 8. Amend rules 661—276.1(100D) to 661—276.3(100D) as follows:

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 called the fire protection system technician license. 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~~ technician 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~~ technician under the direct supervision of a responsible managing employee or under the direct supervision of a licensed fire ~~sprinkler installer and maintenance worker~~ protection system technician 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 placing a fire protection system’s being placed system 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~~ licensed 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~~ licensure of the ~~certified~~ licensed 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~~ technician 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 preengineered Preengineered dry chemical or wet agent fire protection systems; installation.

d. Maintenance of preengineered dry chemical or wet agent fire protection systems; Preengineered water-based fire protection systems in one- and two-family dwellings installation.

e. Installation of preengineered water-based fire protection systems in one and two family dwellings; Automatic sprinkler system maintenance inspection.

f. Maintenance of preengineered water-based fire protection systems in one and two family dwellings; Special hazards system maintenance inspection.

g. Any combination thereof Preengineered dry chemical or wet agent fire protection systems maintenance inspection.

h. Preengineered water-based fire protection systems in one- and two-family dwellings maintenance inspection, or

i. Fire protection technician trainee.

276.1(3) Length of licensure. Licensure shall normally be for two years and shall expire on ~~December~~ March 31 of the ~~second year following the issuance of the license after the license has been issued.~~ 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 31 of the year following the year in the next~~

March, after one year has passed from the date on which the license is was 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. A technician trainee license may be renewed once and a person may work as a technician trainee for a maximum of four years.~~

~~EXCEPTION: Any license issued before January 1, 2011, shall expire on December 31, 2012 currently issued with an expiration date of December 31 shall automatically be extended to expire the following March 31 without first requiring prior application for renewal or additional fees.~~

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

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

~~State Fire Marshal Division~~

~~Iowa Department of Public Safety~~

~~Attn: SFM Licensing Administration~~

~~215 East 7th Street~~

~~Des Moines, Iowa 50319~~

~~Inquiries may be addressed by electronic mail to fesecp@dps.state.ia.us; by telephone to (515)725-6145; or by facsimile to (515)725-6172 sfmlicense@dps.state.ia.us or by the United States Postal Service.~~

661—276.2(100D) Definitions. The following definitions apply to rules 661—276.1(100D) through 661—276.6(100D) 661—276.8(100D):

“Aerosol fire extinguishing system” means a system that uses a combination of microparticles and gaseous matter to flood the protected area. The particles are in a vapor state until discharged from the device. On release, a chain reaction produces solid particles and gaseous matter to suppress the fire.

“Apprentice fire protection system installer and maintenance worker” means a person, other than a fire protection system technician 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 licensed fire extinguishing protection system contractor or licensed fire protection system installer and maintenance worker technician.

“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, halogenated extinguishing systems, aerosol systems, hybrid-inert water mist systems, 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.

“Department” means the department of public safety.

“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,” “fire protection system contractor,” or “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 systems in this state, as defined in Iowa Code section 100C.1, and who is certified licensed 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 preengineered 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” or “technician” 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 fire protection system technician license. A fire protection technician shall be an employee of a fire protection system contractor or, if employed by anyone other than a fire protection system contractor, shall perform work requiring licensing as a fire protection system technician only on property owned or occupied by such employer and may obtain a license if the employer is not a licensed contractor.

“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.

“Fire protection system technician 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 technician who is not a trainee. “Fire protection system technician trainee” does not mean a person who is an apprentice fire protection system installer and maintenance worker.

“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.

“Hybrid-inert water mist system” means a system that combine the benefits of inert gas systems and water mist systems to extinguish fires. These systems provide both extinguishment and cooling to prevent reignition utilizing nontoxic, non-ozone-depleting hybrid media.

“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 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.

“Offense directly relates” refers to either of the following:

1. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.
2. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

“Preengineered 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.

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

“Preengineered water-based fire protection 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 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.

“Special hazards 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.

~~“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.~~

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

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 as established in subrule 276.1(4), 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.** 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.~~

~~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 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)~~ 276.3(1) *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)~~ 276.3(2) *Training and experience requirements.* An applicant for a license shall meet the following training and experience requirements one of the requirements for the following endorsements:

a. For endorsement for automatic 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, and~~

~~(2) (1) A passing score on either the United Association Star Current certification by the National Inspection Testing and Certification Corporation (NITC) in the STAR Fire Sprinkler Sprinklerfitting Mastery Exam Examination, or on another examination administered by a nationally recognized third-party testing organization and approved as equivalent by the state fire marshal.~~

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:

1. ~~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.~~

2. ~~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.~~

3. ~~(2) Certification Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in Automatic Sprinkler System Layout at Level I water-based system layout, 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.~~

~~(3) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in inspection and testing of water-based systems, or~~

~~(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

b. For endorsement for special 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, and~~

~~(2) (1) Certification Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in Special Hazards Protection Systems at Level I special hazards systems, 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 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:

1. 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.

2. 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.

(2) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

c. For endorsement for installation or maintenance of preengineered Preengineered dry chemical or wet agent fire protection systems, the applicant shall show evidence of the following system installation:

(1) To be endorsed as a preengineered kitchen fire extinguishing system installer, the applicant shall have successfully completed training and an examination verified by a preengineered system manufacturer, an agent of a preengineered 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.

(2) To be endorsed as a preengineered kitchen fire extinguishing 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 preengineered kitchen fire extinguishing 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 testing which occurs on or after January 1, 2011, such approval shall be obtained in advance.

(3) To be endorsed as a preengineered industrial fire extinguishing system installer, the applicant shall possess a training and examination certification from a preengineered system manufacturer, an agent of a preengineered 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.

~~(4) To be endorsed as a preengineered industrial fire extinguishing system maintenance worker, the applicant shall have been trained by the applicant's employer and shall have passed a written or online examination for preengineered industrial fire extinguishing 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.~~

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or

(2) Current certification by the National Association of Fire Equipment Distributors (NAFED) in preengineered kitchen fire extinguishing systems, preengineered industrial fire extinguishing systems, or both, or

(3) Satisfactory completion of any training required by the manufacturer for the installation of any system the technician installs, or

(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

~~d. For endorsement for installation of preengineered Preengineered 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.~~ installation:

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or

(2) Satisfactory completion of any training required by the manufacturer for the installation of any system the technician installs, or

(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

e. Automatic sprinkler system maintenance inspection:

(1) Current certification by the National Inspection and Testing Certification Corporation (NITC) in the STAR Fire Sprinklerfitting Mastery Examination, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in water-based systems layout, or

(3) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in inspection and testing of water-based systems, or

(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

f. Special hazards system maintenance inspection:

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or

(2) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

g. Preengineered dry chemical or wet agent fire protection system maintenance inspection:

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or

(2) Current certification by the National Association of Fire Equipment Distributors (NAFED) in preengineered kitchen fire extinguishing systems, preengineered industrial fire extinguishing systems, or both, or

(3) Satisfactory completion of any training required by the manufacturer for maintenance and inspection of any system the technician inspects, or

(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

h. Preengineered water-based fire protection systems in one- and two-family dwellings installation:

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in special hazard systems, or

(2) Satisfactory completion of any training required by the manufacturer for maintenance and inspection of any system the technician inspects, or

(3) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

i. Fire protection system technician trainee, submission of a completed application no later than the first day of employment. A fire protection system technician trainee may perform work which requires licensure under this chapter only under the direct supervision of a licensed fire protection system technician or responsible managing employee whose license contains one or more endorsements as provided in subrule 275.1(2) or 276.1(2), and that work must be within the scope of work authorized by the endorsements held by the supervising fire protection system technician or responsible managing employee. At least one licensed fire protection system technician or responsible managing employee must be present for every three apprentice fire protection system installers and maintenance workers or fire protection system technician trainees performing work related to fire protection systems.

~~276.3(4) 276.3(3) 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 recertification of the applicable requirements relative to the endorsement for which the license is being renewed. The continuing education must consist of courses approved by the 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) 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.~~

276.3(4) Training or testing approval. 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 state fire marshal, such approval is required prior to acceptance of the training or testing to meet licensure requirements. Approval by the state 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 state fire marshal. Any individual, firm, or organization seeking to obtain such approval shall apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. Program information and any other documentation requested by the state fire marshal for consideration shall be submitted as specified in

subrule 276.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

276.3(5) License applicability. Work performed by a technician subject to these rules shall be limited to areas of competence indicated by the specific certification(s) or other training requirements met by the applicant. Work performed in the state shall not begin prior to:

- a. Receipt of a new or renewed license issued by the state fire marshal to the applicant, or
- b. Receipt of written approval to perform work prior to issuance of a new or renewed license from the state fire marshal to the applicant.

276.3(6) Portable fire extinguisher requirements. 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 state fire marshal or local fire ordinance or standard adopted by reference therein.

ITEM 9. Renumber rules **661—276.4(100D)** to **661—276.6(100D)** as **661—276.5(100D)** to **661—276.7(100D)**.

ITEM 10. Adopt the following **new** rule 661—276.4(272C):

661—276.4(272C) Licensure of persons licensed in other jurisdictions.

276.4(1) For the purposes of this rule, “issuing jurisdiction” means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

276.4(2) Notwithstanding any other provision of law, a fire protection system technician license shall be issued without an examination to a person who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:

- a. The person is currently licensed by at least one other issuing jurisdiction as a fire protection system technician with a substantially similar scope of practice and the license is in good standing in all issuing jurisdictions in which the person holds a license.
- b. The person has been licensed by another issuing jurisdiction for at least one year.
- c. The person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.
- d. The person previously passed an examination required by the other issuing jurisdiction for licensure, if applicable.
- e. The person has not had a license revoked and has not voluntarily surrendered a license in any other issuing jurisdiction or country while under investigation for unprofessional conduct.
- f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the state fire marshal shall determine if the cause for the action was corrected and the matter resolved. If the state fire marshal determines that the matter has not been resolved by the jurisdiction imposing discipline, the state fire marshal shall not issue or deny a license to the person until the matter is resolved.
- g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the state fire marshal shall not issue or deny a license to the person until the complaint, allegation, or investigation is resolved.
- h. The person pays all applicable fees.
- i. The person does not have a criminal history that would prevent the person from holding the fire protection system technician license applied for in this state.

276.4(3) A person licensed pursuant to this rule is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the state fire marshal.

276.4(4) This rule does not apply to any of the following:

a. The ability of the state fire marshal to require the submission of fingerprints or completion of a criminal history check.

b. The ability of the state fire marshal to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. If the state fire marshal requires an application to take and pass an examination specific to the laws of this state, the state fire marshal shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

276.4(5) Except as provided in subrule 276.4(2), a person applying for a license in this state who relocates to this state from another state that did not require a license to practice as a fire protection system technician may be considered to have met any education, training, or work experience requirements imposed by the state fire marshal in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the state fire marshal.

276.4(6) A person applying for a license in this state under the requirements of this subrule shall submit the person's request in writing to the state fire marshal as established in subrule 276.1(4) providing proof of residency in this state and documentation to verify all conditions are met under this subrule.

ITEM 11. Amend renumbered rules 661—276.5(100D) to 661—276.7(100D) as follows:

661—276.5(100D) Application and fees.

276.5(1) Application. Any person seeking licensure as a fire protection system ~~installer and maintenance worker~~ technician shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date ~~on which licensure is required of beginning work in this state or the date 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~~ state fire marshal's website. The application form shall be submitted with all required attachments in subrule 276.5(5) and the required license fee established in subrule ~~276.4(2)~~ 276.5(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~~ website for the fire protection system ~~installer and maintenance worker~~ technician licensing program is <http://www.dps.state.ia.us/fm/building/fescep/index.shtml> [dps.iowa.gov/divisions/state-fire-marshal/licensing/fire-protection](http://www.dps.state.ia.us/fm/building/fescep/index.shtml).

276.5(2) License fee.

a. The fee for a permanent or 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 fire protection system technician trainee license shall be \$100.

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

The state fire marshal shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

276.5(3) Payment. The license fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Iowa Department of Public Safety State Fire Marshal Division. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 276.1(4). Payment cannot be made in cash. The memo portion of the check should have the following notation: "Fire Protection System Installer and Maintenance Worker Licensing Program."

276.5(4) Amended license.

a. The fee for issuance of an amended license is ~~\$25~~ the difference between the original license fee paid and changes in endorsement(s), if applicable. The fee shall be submitted with a request for an amended license. A licensee shall request and the state fire marshal shall issue an amended license for any of the following reasons, and a fee does not apply:

(1) A change in employer; ~~A licensee may only transfer the licensee's technician license to another employer if the licensee paid the license fee at the time of original application. If the licensee's previous employer paid the license fee, the licensee must reapply for a new license under the licensee's new employer and pay the license fee.~~

~~(2) A change in insurance coverage; or~~

~~(3) (2)~~ 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.

b. 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 state fire marshal but shall not require issuance of an amended license or payment of the amended license fee.

276.5(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)~~ met the applicable licensure requirements. ~~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. Documentation of qualifying licensure in another issuing jurisdiction by providing the following:~~

~~(1) Proof of residency in this state.~~

~~(2) Proof all conditions are met as established in rule 661—276.4(100D).~~

~~1. Copy of a license from other issuing jurisdiction.~~

~~2. Evidence the applicant met issuing jurisdiction's educational requirements and, if applicable, work experience requirements.~~

~~3. Evidence the applicant passed the issuing jurisdiction's required examination, if applicable.~~

~~4. Evidence the applicant has not had a license revoked or voluntarily surrendered, had discipline imposed, or been under investigation by another issuing jurisdiction.~~

~~5. Evidence the applicant does not have a complaint, allegation, or investigation pending before any regulatory entity related to unprofessional conduct.~~

~~NOTE: An applicant may contact the fire protection system installer and maintenance worker licensing program for assistance with the wording of the affidavit.~~

661—276.6(100D) Complaints.

276.6(1) Complaints regarding the performance of any licensed fire protection system ~~installer and maintenance worker;~~ technician, 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:

Fire Protection System Installer and Maintenance Worker Licensing Program

State Fire Marshal Division
Iowa Department of Public Safety
Attn: SFM Licensing Administration
215 East 7th Street
Des Moines, Iowa 50319

276.6(2) Complaints may be ~~submitted~~ addressed by electronic mail to fesecp@dps.state.ia.us or by facsimile to (515)725-6172 sfmlicense@dps.state.ia.us or in writing by the United States Postal Service.

276.6(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. 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.

661—276.7(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.

276.7(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.

d. 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.

~~e. 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 fire marshal shall evaluate that record with regard to the likelihood that the applicant would operate with integrity as a licensee. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory or country. “Conviction” as used in this subrule includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction. If an applicant is denied licensure under this paragraph, the applicant shall be notified of the specific reasons for the denial.~~

f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee’s profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

g. Willful or repeated violations of the provisions of this chapter.

276.7(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.

276.7(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 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 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.

276.7(4) Disqualifications for criminal convictions limited.

a. Notwithstanding any other provision of law to the contrary, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the state fire marshal does not grant an exception pursuant to paragraph 276.7(4) "d."

b. The state fire marshal shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

c. The state fire marshal shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on another similar basis.

d. The state fire marshal shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

(1) The nature and seriousness of the crime for which the applicant was convicted.

(2) The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of Iowa Code section 709.4, a sexually violent offense as defined in Iowa Code section 229A.2, dependent adult abuse in violation of Iowa Code section 235B.20, a forcible felony as defined in Iowa Code section 702.11, or domestic abuse assault in violation of Iowa Code section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

(3) The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

(4) The age of the applicant at the time the offense was committed.

(5) Any treatment undertaken by the applicant.

(6) Whether a certificate of employability has been issued to the applicant pursuant to Iowa Code section 906.19.

(7) Any letters of reference submitted on behalf of the applicant.

(8) All other relevant evidence of rehabilitation and present fitness of the applicant.

e. An applicant may petition the state fire marshal in writing as specified in subrule 276.1(4) for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The state fire marshal shall issue such a determination within 30 days of receiving the petition. The state fire marshal shall determine whether an applicant's criminal record will prevent the applicant from receiving a license while determining whether to deny an applicant's application on the basis of an

applicant's criminal conviction. The state fire marshal may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed \$25.

f. When the state fire marshal denies an applicant a license solely or partly because of the applicant's prior conviction of a crime, the state fire marshal shall notify the applicant in writing of all of the following:

- (1) The grounds for the denial of disqualification.
- (2) That the applicant has the right to a hearing to challenge the state fire marshal's decision.
- (3) The earliest date the applicant may submit a new application.
- (4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

g. A determination by the state fire marshal that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in this subrule sufficient for a review by a court.

h. In any administrative or civil hearing authorized by this rule or Iowa Code chapter 17A, the state fire marshal shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

i. The state fire marshal may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. The state fire marshal may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subrule, "complete criminal record" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

~~276.7(4)~~ **276.7(5)** *Civil penalties.* The state 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.

~~276.7(5)~~ **276.7(6)** *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 state fire marshal with copies, within 7 seven 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.

e. 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.

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(5)~~ 276.7(6) 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.

~~276.7(6)~~ 276.7(7) *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 seven 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)~~ 276.7(7) 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.

~~276.7(7)~~ 276.7(8) *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)~~ 276.7(6) or ~~276.6(6)~~ 276.7(7), 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 safety and shall be treated as contested cases following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

ITEM 12. Adopt the following new rule 661—276.8(272D):

661—276.8(272D) 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 Iowa Code section 29A.1, applying for licensure as a fire protection system technician shall apply for licensure following 661—Chapter 278.

ITEM 13. Amend **661—Chapter 277**, title, as follows:

**CERTIFICATION LICENSING OF ALARM SYSTEM CONTRACTORS AND INSTALLERS
TECHNICIANS**

ITEM 14. Amend rules 661—277.1(100C) to 661—277.7(100C) as follows:

661—277.1(100C) Establishment of program. There ~~is~~ are established within the state fire marshal division ~~an~~ alarm system contractor and installer certification program ~~licensing programs, called the alarm system contractor license and alarm system technician license.~~ licensing programs, called the alarm system contractor license and alarm system technician license. ~~The program is~~ programs are established pursuant to Iowa Code Supplement chapter 100C.

277.1(1) Certification Licensure required.

~~a. Except as provided in paragraph 277.1(1)“b,” no~~ No person shall act as an alarm system contractor without being currently ~~certified~~ licensed as an alarm system contractor by the state fire marshal. ~~Except as provided in paragraph 277.1(1)“b,” no~~ No person shall act as an alarm system installer technician without being currently ~~certified~~ licensed by the state fire marshal as an alarm system contractor or alarm system installer technician unless the person is engaged in the installation of alarm system components, is currently licensed pursuant to Iowa Code Supplement chapter 103, and is exempt from requirements for ~~certification licensure~~ licensure by the state fire marshal as an alarm system installer technician pursuant to Iowa Code Supplement chapter 103.

EXCEPTION: A person may pull cable for an alarm system under the direct supervision of a ~~certified licensed contractor, certified installer licensed technician, or person licensed pursuant to Iowa Code Supplement chapter 103 who is working as an installer a technician without certification licensing pursuant to Iowa Code Supplement chapter 103.~~ certified licensed contractor, certified installer licensed technician, or person licensed pursuant to Iowa Code Supplement chapter 103 who is working as an installer a technician without certification licensing pursuant to Iowa Code Supplement chapter 103.

~~b. — On or after October 1, 2008, and before January 1, 2009, a person may operate as a contractor or installer subject to this chapter without being currently certified under this chapter only if the contractor or installer has applied for certification under this chapter. A contractor or installer operating under this paragraph may perform work only within the scope of certification for which the contractor or installer has applied.~~

277.1(2) Endorsement.

~~a. The certification licensure of each contractor, or installer technician, or technician trainee shall carry an endorsement for one or more of the following:~~

- (1) Alarm system contractor.
 1. Fire alarm system ~~contractor (1a)~~ installation.
 2. Nurse call system ~~contractor (1b)~~ installation.
 3. Security alarm system ~~contractor (1c)~~ installation.
 4. Alarm system maintenance inspection ~~contractor (1d)~~ installation.
 5. Dwelling unit alarm system ~~contractor (1e)~~ installation.
- (2) Alarm system ~~installer technician.~~
 1. Fire alarm system ~~installer (2a)~~ installation.
 2. Nurse call system ~~installer (2b)~~ installation.
 3. Security alarm system ~~installer (2c)~~ installation.
 4. Alarm system component ~~installer (2d)~~ installation.
 5. Alarm system maintenance inspection ~~installer (2e)~~ installation.
 6. Dwelling unit alarm system ~~installer (2f)~~ installation.
 7. (3) Alarm system ~~installer assistant (2g)~~ technician trainee.

~~b. Any person acting as an alarm system contractor or installer technician, other than a person who is not required to be certified licensed for such work by the state fire marshal, shall do so only in relation to systems covered by the endorsements on the contractor’s or installer’s certification technician’s license.~~

277.1(3) Length of certification licensure. ~~Certification Licensure shall normally be for three years and shall expire on September 30 of the third year after the certification license has been issued. A certification license which is effective on a date other than October 1 shall be effective on the date on which the certification license is issued and shall expire on the next September 30, after two years have passed from the date on which the certification license was issued.~~

277.1(4) Inquiries. ~~Inquiries regarding the alarm system contractor and installer certification program or alarm system technician license programs may be addressed to:~~

~~Alarm System Contractor and Installer Certification Program~~

State Fire Marshal Division
Iowa Department of Public Safety
Attn: SFM Licensing Administration
215 East 7th Street
Des Moines, Iowa 50319

Inquiries may be addressed by electronic mail to alarminfo@dps.state.ia.us, sfmlicense@dps.state.ia.us or by telephone to (515)725-6145 the United States Postal Service.

661—277.2(100C) Definitions. The following definitions apply to rules 661—277.1(100C) through 661—277.7(100C) 661—277.11(100C):

“Alarm system” means a system or portion of a combination system that consists of components and circuits hardwired or wireless arranged to monitor and annunciate the status of a fire alarm, security alarm, or medical alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals, but does not mean any such security system or portion of a combination system installed in a prison, jail, or detention facility owned by the state, a political subdivision of the state, the department of human services, or the Iowa veterans home.

“Alarm system ~~component installer components~~” means ~~an employee of an alarm system contractor who is engaged in a~~ the portion of an alarm system installation limited to mounting alarm system raceways, boxes or system devices, and pulling of system cable, not including final termination at an alarm panel or final connection of the alarm system or alarm system testing.

“Alarm 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 alarm systems in this state.

“Alarm system ~~installer technician~~ or “technician” means a person who is engaged in the layout, installation, repair, alteration, addition, testing, or maintenance of alarm systems and who is ~~certified~~ licensed under the provisions of this chapter to perform work authorized by that ~~certification~~ license and any endorsement pertaining thereto. An alarm system ~~installer technician~~ shall be an employee of an alarm system contractor or, if employed by anyone other than an alarm system contractor, shall perform work requiring ~~certification~~ licensing as an alarm system ~~installer technician~~ only on property owned or occupied by such employer and may obtain a license if the employer is not a licensed contractor.

“Alarm system ~~installer assistant technician trainee~~” means a person who is engaged in the layout, installation, repair, alteration, addition, or maintenance of alarm systems under the direct supervision of ~~an~~ a responsible managing employee or licensed alarm system ~~installer technician.~~

“Alarm system maintenance inspection ~~installer~~” means an employee of an alarm system contractor who is engaged in maintenance inspection of fire alarm, nurse call, or security alarm systems.

“Dwelling alarm system” means a system or portion of a combination system that consists of components and circuits hardwired or wireless arranged to monitor and annunciate the status of a fire alarm, nurse call or security alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals, installed in a single-family dwelling or a single dwelling unit of a multifamily residential building and not interconnected with another dwelling alarm system. A dwelling alarm system does not mean single-station or multiple-station alarms installed in dwelling units.

“Fire alarm system” means a system or portion of a combination system that consists of components and circuits hardwired or wireless arranged to monitor and annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals that serves the general fire alarm needs of a building or buildings and that provides fire department or occupant notification or both. A fire alarm system does not mean single-station or multiple-station alarms installed in dwelling units.

“Installation” means hanging electrical conduits, raceways or boxes; mounting system devices; pulling system cable; activating system-initiating devices and system control units or verifying system operations to meet specifications; and performing system acceptance testing.

“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 that is 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 an alarm system contractor or ~~installer~~ technician. For purposes of this chapter, “maintenance inspection” does not include an inspection completed by a building official or fire inspector when acting in an official capacity, or an insurance inspector employed by an insurance company licensed to do business in Iowa.

“NBFAA” means the National Burglar and Fire Alarm Association, 2300 Valley View Lane, Suite 230, Irving, Texas 75062.

NOTE: As of July 1, 2008, the Web site of the NBFAA is <http://www.alarm.org/>.

“NICET” means the National Institute for Certification in Engineering Technologies, 1420 King Street, Alexandria, Virginia 22314-2794.

NOTE: As of July 1, 2008, the Web site of NICET is <http://www.nicet.org/>.

“Nurse call system” means a nurse call system or portion of a combination system that consists of components and circuits hardwired or wireless arranged to monitor and annunciate the status of a nurse call system or supervisory signal-initiating devices and to initiate the appropriate response to those signals, installed in a facility required to be licensed or certified by the state pursuant to Iowa Code chapter 125, 135B, 135C, 135G, 135H, 135J, 231C, or 231D, or installed in a facility operating pursuant to Iowa Code chapter 218, 219, 223, 225, 233A, or 233B, to initiate response of on-site medical care providers.

“Offense directly relates” refers to either of the following:

1. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.
2. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

“Responsible managing employee” means an owner, partner, officer, or manager employed full-time by an alarm system contractor who is designated as a responsible managing employee for an alarm system contractor and who meets the requirements for a responsible managing employee established in rule 661—277.3(100C).

“Security alarm system” means a system or portion of a combination system that consists of components and circuits hardwired or wireless arranged to monitor and annunciate the status of a security alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals, installed in a building or facility to detect unauthorized entry into a building or portion of a building and to notify security personnel or building occupants or both.

661—277.3(100C) Responsible managing employee. Each alarm 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 277.1(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.

277.3(1) The responsible managing employee or employees shall be designated in the application for ~~certification~~ licensure; and, if a responsible managing employee is no longer acting in that role, the contractor shall so notify the state fire marshal, in writing, within 30 calendar days, ~~on a form designated by the fire marshal as provided in subrule 277.1(4).~~

277.3(2) If a responsible managing employee is no longer acting in the role of responsible managing employee 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 state fire marshal, in writing as provided in subrule 277.1(4), 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 state fire marshal shall indicate which alternate responsible managing employee has assumed the position of responsible managing employee.

277.3(3) If a responsible managing employee designated by an alarm 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 state fire marshal, in writing as provided in subrule 277.1(4), 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 in writing as provided in subrule 277.1(4)~~. If the state 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 state fire marshal shall suspend the ~~certification~~ license of the alarm system contractor.

277.3(4) A responsible managing employee or an alternate responsible managing employee shall meet one of the following requirements for the following endorsements:

~~a. Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design.~~

~~b. For fire alarm system endorsement, current certification by NICET at level III or higher as a fire alarm systems technician.~~

~~c. For nurse call system endorsement, current certification by a nurse call system manufacturer or current NICET level II certification or higher in fire alarm systems or audio systems.~~

~~d. For security alarm system endorsement, current certification by NBFAA as an advanced alarm system technician (level II) or higher, or NICET level II certification or higher in fire alarm systems.~~

~~e. For alarm system maintenance inspection endorsement, current certification by NBFAA as an advanced alarm technician (level II), or NICET level II certification or higher in fire alarm systems.~~

~~f. For dwelling unit alarm system endorsement, current certification by NBFAA as an alarm technician (level I) or higher, or NICET level I certification or higher in fire alarm systems.~~

~~g. For any endorsement, completion of any third-party training or certification approved by the fire marshal, as provided in subrule 277.3(5), for that endorsement.~~

~~h. Prior to October 1, 2010, an alarm system contractor may receive provisional certification if the person designated as the contractor's responsible managing employee provides documentation that procedures have been initiated for obtaining required qualifications for the endorsement requested. Provisional certification shall not be recognized on or after October 1, 2011. Documentation may include an affidavit completed by the applicant if documentation is not available from the testing organization.~~

~~EXCEPTION: Provisional certification for fire alarm endorsement shall be recognized until October 1, 2013, provided that by no later than October 1, 2011, the responsible managing employee for a contractor with this provisional endorsement shall have achieved NICET level II certification in fire alarm systems.~~

~~a. Fire alarm system installation:~~

~~(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or~~

~~(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level III or above in fire alarm systems, or~~

~~(3) Current certification by the Electronic Security Association (ESA) at level III in certified fire alarm designer (CFAD), or~~

~~(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.~~

~~b. Nurse call system installation:~~

~~(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or~~

~~(2) Current certification by a nurse call system manufacturer, or~~

~~(3) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in fire alarm systems, or~~

(4) Current certification by the Electronic Security Association (ESA) at level II in certified alarm technician (CAT), or

(5) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

c. Security alarm system installation:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level II in certified alarm technician (CAT), or

(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

d. Alarm system maintenance inspection:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level II in certified alarm technician (CAT), or

(4) Current certification by the National Institute for Certification in Engineering Technologies (NICET) level II or above in inspection and testing of fire alarm systems, or

(5) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

e. Dwelling unit alarm system installation:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(4) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

277.3(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 state fire marshal, such approval is required prior to acceptance of the training or testing to meet ~~certification~~ licensing requirements. Approval by the state 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 state fire marshal. Any individual, firm, or organization seeking to obtain such approval may apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. ~~An application form for approval of a testing or training program may be obtained by contacting the alarm system contractor and installer certification program as specified in subrule 277.1(4).~~ Program information and any other documentation requested by the state fire marshal for consideration shall be submitted to the state fire marshal as specified in subrule 277.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

277.3(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:

a. Receipt of a new or renewed license issued by the state fire marshal to the applicant, or

b. Receipt of written approval to perform work prior to issuance of a new or renewed license from the state fire marshal to the applicant.

277.3(7) Nothing in this rule shall be interpreted to conflict with or diminish any requirement for training or certification for anyone installing or servicing an alarm system set forth in any rule of the state fire marshal or local fire ordinance or standard adopted by reference therein.

661—277.4(100C) Contractor certification licensing requirements. An alarm system contractor shall meet all of the following requirements in order to receive certification licensure from the state fire marshal and shall continue to meet all requirements throughout the period of certification licensure. The contractor shall notify the state fire marshal, in writing, on a form designated by the fire marshal as provided in subrule 277.1(4), within 30 calendar days if the contractor fails to meet any requirement for certification licensure.

277.4(1) No change.

277.4(2) The contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of automatic alarm 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 state 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 an alarm 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.

277.4(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. The contractor shall provide a copy of the contractor's current registration from Iowa workforce development with their application for licensure.

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. Written documentation of such exemption must be provided to the state fire marshal upon application for licensure as an alarm system contractor.

277.4(4) No change.

277.4(5) A license may be renewed only if the licensee has completed recertification of the applicable requirements relative to the endorsement for which the licensee is renewing.

661—277.5(100C) Contractor application and fees.

277.5(1) Application. Any contractor seeking certification licensure as an alarm system contractor shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date on which certification is required of beginning work in this state or the date on which an existing certification license expires. An application form may be obtained from the state fire marshal or from the Web site of the alarm system contractor and installer certification program state fire marshal's website. The application form shall be submitted with all required attachments and the required application fee established in subrule subrules 277.5(2) and 277.5(5). 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~~ website for the alarm system contractor and ~~installer certification program technician licensure programs~~ is: <http://www.dps.state.ia.us/fm/alarm/index.shtml> [dps.iowa.gov/divisions/state-fire-marshal/licensing/alarm.](http://dps.iowa.gov/divisions/state-fire-marshal/licensing/alarm)

277.5(2) Certification Licensure fee. The certification license fee for alarm system contractors shall be \$300 for three years. If an application for certification licensure provides for more than one responsible

managing employee pursuant to rule 661—277.3(100C), there shall be an additional fee of \$50 for each responsible managing employee beyond the first. If an application for ~~certification licensure~~ provides for more than one endorsement as provided in subrule 277.1(2), there shall be an additional fee of \$50 for each endorsement beyond the first. ~~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.~~

The state fire marshal shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

~~277.5(3) Payment.~~ The ~~certification license~~ fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Department of Public Safety Iowa State Fire Marshal Division. The memo portion of the check, if the payment is by check, shall be completed as follows: Alarm System Contractor and Installer Certification Program. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 277.1(4). Payment shall not be made in cash.

~~277.5(4) Amended certification licensure fee.~~ The fee for issuance of an amended ~~certification license~~ is ~~\$100~~ the difference between the original license fee paid and changes in endorsement(s) or responsible managing employee(s), if applicable. The fee shall be submitted with the request for an amended ~~certification licensure~~. A contractor shall request and the state fire marshal shall issue an amended license for any of the items listed below and a fee does not apply:

~~a. A contractor shall request and the fire marshal shall issue an amended certificate for any of the following:~~

~~(1) A change in the designation of a responsible managing employee;~~
~~(2) b. A change in insurance coverage; or~~
~~(3) c. A change in any other material information included in or with the initial or renewal application. A change in the location of a business is a material change; however, no fee shall be charged for the issuance of an amended certificate license if the sole reason for amending the certificate license is to reflect a change in location which was necessitated by disaster emergency conditions and the business was located in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6-; or~~

~~b. d. 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 state fire marshal but shall not require issuance of an amended certification license or payment of the amended certification license fee.~~

~~277.5(5) Attachments.~~ Required attachments to the application for ~~certification licensure~~ include, but are not limited to, the following:

~~a. Documentation verifying that the contractor has in force the insurance coverage required by subrule 277.4(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 licensure 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.~~

~~b. 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 licensure requirements.~~

~~c. Documentation of qualifying licensure in another issuing jurisdiction by providing the following:~~

- ~~(1) Proof of residency in this state.~~
- ~~(2) Proof all conditions are met as established in rule 661—277.8(272C).~~
 - ~~1. Copy of a license from other issuing jurisdiction.~~
 - ~~2. Evidence the applicant met the issuing jurisdiction's educational requirements and, if applicable, work experience requirements.~~
 - ~~3. Evidence the applicant passed issuing jurisdiction's required examination, if applicable.~~

4. Evidence the applicant has not had a license revoked or voluntarily surrendered, had discipline imposed, or been under investigation by another issuing jurisdiction.

5. Evidence the applicant does not have a complaint, allegation, or investigation pending before any regulatory entity related to unprofessional conduct.

277.5(6) National criminal history check. Each applicant for ~~certification~~ licensure as a contractor shall submit fingerprints and the applicable fee as ~~directed by the division of criminal investigation at the time of application for a new or renewal license~~ for a national criminal history check conducted by the Federal Bureau of Investigation.

661—277.6(100C) Installer certification Technician licensure requirements. An applicant for alarm system ~~installer certification~~ technician licensure shall meet all of the following requirements which are applicable to the endorsements for which the applicant is applying in order to receive ~~certification~~ licensure from the state fire marshal and shall continue to meet all such requirements throughout the period of ~~certification~~ licensure. The ~~installer~~ technician shall notify the state fire marshal, in writing, ~~on a form designated by the fire marshal, as provided in subrule 277.1(4)~~ within 30 calendar days if the ~~installer~~ technician fails to meet any applicable requirement for ~~certification~~ licensure.

277.6(1) The alarm system ~~installer~~ technician shall meet one of the following requirements for the following endorsements:

a. ~~Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design.~~ Fire alarm system installation:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level II in certified alarm technician (CAT), or

(4) Current certification by the Elite Continuing Education University (CEU) in fire alarm installation techniques (FAIT), or

(5) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

b. ~~For fire alarm system endorsement, current certification by NICET at level II or higher in fire alarm systems or current certification by NBFAA as an advanced alarm system technician (level II) and two years of related work experience.~~ Nurse call system installation:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by a nurse call system manufacturer, or

(3) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(4) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(5) Current licensure as a master electrician or journeyman electrician by the electrical examining board pursuant to Iowa Code chapter 103.

(6) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

c. ~~For nurse call system endorsement, current certification by a nurse call system manufacturer, documented training by the certified nurse call contractor employer, current NICET level I certification or higher in fire alarm systems or audio systems, completed certification by NBFAA as an alarm system technician (level I) or higher, or current licensure as a master electrician or journeyman electrician by the electrical examining board, pursuant to Iowa Code Supplement chapter 103.~~ Security alarm system installation:

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(4) Current certification by the Elite Continuing Education University (CEU) in advanced electronic intrusion technician (AEIT), or

(5) Current certification by the Complete Electrical Academy at level I in Electronic Security Technician, or

(6) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

~~d. For security alarm system endorsement, completed certification by NBFAA as an alarm technician (level I) or higher, or current NICET level I certification or higher in fire alarm systems or audio systems. Alarm system component installation:~~

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(4) Current licensure as a master electrician or journeyman electrician by the electrical examining board pursuant to Iowa Code chapter 103.

(5) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

~~e. For alarm system component installer endorsement, completed certification by NBFAA as an alarm technician (level I) or higher, current NICET level I certification or higher in fire alarm systems or audio systems, or current licensure as a master electrician or journeyman electrician by the electrical examining board, pursuant to Iowa Code Supplement chapter 103. Alarm system maintenance inspection:~~

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(4) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in inspection and testing of fire alarm systems, or

(5) Current certification by the Complete Electrical Academy at level I in electronic security technician, or

(6) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

~~f. For alarm system maintenance inspection endorsement, completed certification by NBFAA as an alarm system technician (level I) or higher, or current NICET level I certification or higher in fire alarm systems or audio systems. Dwelling unit alarm system installation:~~

(1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or

(2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or

(3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or

(4) Current certification by the Elite Continuing Education University (CEU) in alarm level I, or

(5) Current certification by the Complete Electrical Academy at level I in electronic security technician, or

(6) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.

g. For dwelling unit alarm system endorsement, completed certification by NBFAA as an alarm technician (level I) or higher, or current NICET level I certification or higher in fire alarm systems or audio systems, or current licensure as a master electrician or journeyman electrician by the electrical examining board, pursuant to Iowa Code Supplement chapter 103. Alarm system technician trainee, submission of a completed application no later than the first day of employment. An alarm system technician trainee may perform work which requires licensure under this chapter only under the direct supervision of a licensed alarm system technician or responsible managing employee whose license contains one or more endorsements as provided in rules 661—277.3(100C) and 661—277.6(100C), respectively, and that work must be within the scope of work authorized by the endorsements held by the supervising alarm system technician or responsible managing employee.

h. For alarm system installer assistant endorsement, submission of a completed application no later than the first day of employment. An alarm system installer assistant may perform work which requires certification under this chapter only under the direct supervision of an alarm system installer whose certification contains one or more endorsements as provided in subrule 277.6(1), paragraphs “a” through “f,” and that work must be within the scope of work authorized by the endorsements held by the supervising installer.

i. For any endorsement, completion of any third party training or certification approved by the state fire marshal as provided in subrule 277.3(5).

j. Prior to October 1, 2010, an alarm system installer may receive provisional certification if the installer provides documentation that procedures have been initiated for obtaining required qualifications for the endorsement requested. Provisional certification shall not be recognized on or after October 1, 2011. No provisional certification shall be issued for alarm system installer endorsement. Documentation may include an affidavit completed by the applicant if documentation is not available from the testing organization.

277.6(2) The installer technician 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 installer technician is performing work.

277.6(3) 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 state fire marshal, such approval is required prior to acceptance of the training or testing to meet certification licensure requirements. Approval by the state 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 state fire marshal. Any individual, firm, or organization seeking to obtain such approval may apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. An application form for approval of a testing or training program may be obtained by contacting the alarm system contractor and installer certification program Program information and any other documentation requested by the state fire marshal for consideration shall be submitted to the state fire marshal as specified in subrule 277.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal’s licensing website.

277.6(4) Work performed by an installer a technician 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 installer technician and shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee of the installer’s technician’s employer, unless the employer is not a certified licensed contractor as allowed by 2008 Iowa Acts, House File 2547, section 2 Iowa Code chapter 100C. Work performed in the state shall not begin prior to one of the following:

- a. Receipt of a new or renewed license issued by the state fire marshal to the applicant, or
- b. Receipt of written approval to perform work prior to issuance of a new or renewed license from the state fire marshal to the applicant.

277.6(5) Nothing in this rule shall be interpreted to conflict with or diminish any requirement for training or certification for anyone installing or servicing an alarm system set forth in any rule of the state fire marshal or local fire ordinance or standard adopted by reference therein.

277.6(6) A license may be renewed only if the licensee has completed recertification of the applicable requirements relative to the endorsements for which the licensee is renewing.

661—277.7(100C) Installer Technician application and fees.

277.7(1) Application. Any installer technician seeking certification licensure as an alarm system installer technician shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date ~~on which certification is required or on which work begins in the state or on which an existing certification license expires~~, except that an application for endorsement as an alarm system ~~installer assistant technician trainee~~ shall be submitted no later than the first day of employment as an alarm system ~~installer assistant technician trainee~~. An application form may be obtained from the state fire marshal or from the ~~Web site of the alarm system contractor and installer certification program~~ state fire marshal's website. The application form shall be submitted with all required attachments and the required application fee established in ~~subrule 277.7(2) this rule~~. 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 alarm system contractor and installer certification program is: <http://www.dps.state.ia.us/fm/alarm/index.shtml>.~~

277.7(2) Certification Licensure fee. The certification license fee for an alarm system installer technician shall be \$150 for three years, except that the certification license fee for endorsement as an alarm system ~~installer assistant technician trainee~~ shall be \$50 for one year. There shall be an additional fee of \$25 for each endorsement beyond the first. ~~If an application is denied, all except \$50 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.~~

The state fire marshal shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

277.7(3) Payment. The certification fee shall be submitted electronically by draft, check, or money order in the applicable amount payable to the Department of Public Safety, ~~with the memo portion of the check completed as follows: Alarm System Contractor and Installer Certification Program Iowa State Fire Marshal Division.~~ Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 277.1(4). Payment shall not be made in cash.

277.7(4) Amended ~~certification~~ licensure fee.

a. The fee for issuance of an amended ~~certification~~ license is \$50 the difference between the original license fee paid and changes in endorsement(s), if applicable. The fee shall be submitted with the request for an amended ~~certification~~ license. An ~~installer~~ A technician shall request and the state fire marshal shall issue an amended ~~certificat~~e license for a change in any material information included in or with the initial or renewal application. A licensee shall request and the state fire marshal shall issue an amended license for any of the following reasons and a fee does not apply:

(1) A change in employer. A licensee may only transfer their technician license to another employer if the licensee paid the license fee at the time of original application. If the licensee's previous employer paid the license fee, the licensee must reapply for a new license under their new employer and pay the license fee.

(2) 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.

b. Other changes in the information required in the application form shall be reported to the state fire marshal but shall not require issuance of an amended ~~certification~~ license or payment of the amended ~~certification~~ license fee.

277.7(5) Attachments. Required attachments to the application for certification license include, but are not limited to, documentation of required certifications, licenses or training. the following:

a. Documentation applicant has met the applicable licensure requirements.

b. Documentation of qualifying licensure in another issuing jurisdiction by providing the following:

(1) Proof of residency in this state.

(2) Proof all conditions are met as established in rule 661—277.8(272C).

1. Copy of a license from other issuing jurisdiction.

2. Evidence the applicant met the issuing jurisdiction's educational requirements and, if applicable, work experience requirements.

3. Evidence the applicant passed issuing jurisdiction's required examination, if applicable.

4. Evidence the applicant has not had a license revoked or voluntarily surrendered, had discipline imposed, or been under investigation by another issuing jurisdiction.

5. Evidence the applicant does not have a complaint, allegation, or investigation pending before any regulatory entity related to unprofessional conduct.

277.7(6) National criminal history check. Each applicant for certification licensure as an installer a technician shall submit fingerprints and the applicable fee as ~~directed by the division of criminal investigation at the time of application for a new or renewal license~~ for a national criminal history check conducted by the Federal Bureau of Investigation.

ITEM 15. Renumber rules **661—277.8(100C)** and **661—277.9(100C)** as **661—277.9(100C)** and **661—277.10(100C)**.

ITEM 16. Adopt the following new rule 661—277.8(272C):

661—277.8(272C) Licensure of persons licensed in other jurisdictions.

277.8(1) For the purposes of this rule, “issuing jurisdiction” means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

277.8(2) Notwithstanding any other provision of law, an alarm system contractor license or alarm system technician license shall be issued without an examination to a person who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:

a. The person is currently licensed by at least one other issuing jurisdiction as an alarm system contractor or alarm system technician with a substantially similar scope of practice and the license is in good standing in all issuing jurisdictions in which the person holds a license.

b. The person has been licensed by another issuing jurisdiction for at least one year.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, if applicable.

e. The person has not had a license revoked and has not voluntarily surrendered a license in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the state fire marshal shall determine if the cause for the action was corrected and the matter resolved. If the

state fire marshal determines that the matter has not been resolved by the jurisdiction imposing discipline, the state fire marshal shall not issue or deny a license to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the state fire marshal shall not issue or deny a license to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the alarm system contractor or alarm system technician license applied for in this state.

277.8(3) A person licensed pursuant to this rule is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the state fire marshal.

277.8(4) This rule does not apply to any of the following:

a. The ability of the state fire marshal to require the submission of fingerprints or completion of a criminal history check.

b. The ability of the state fire marshal to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. If the state fire marshal requires an application to take and pass an examination specific to the laws of this state, the state fire marshal shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

277.8(5) Except as provided in subrule 277.8(2), a person applying for a license in this state who relocates to this state from another state that did not require a license to practice as an alarm system contractor or alarm system technician may be considered to have met any education, training, or work experience requirements imposed by the state fire marshal in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the state fire marshal.

ITEM 17. Amend renumbered rules 661—277.9(100C) and 661—277.10(100C) as follows:

661—277.9(100C) Complaints. Complaints regarding the performance of any ~~certified~~ licensed contractor or ~~installer technician~~, failure of a ~~certified~~ licensed contractor or ~~installer technician~~ to meet any of the requirements established in Iowa Code Supplement chapter 100C or this chapter or any other provision of law, or operation as an alarm system contractor or ~~installer technician~~ without ~~certification licensure~~ may be filed with the state fire marshal.

277.9(1) Complaints should be addressed as follows:

~~Alarm System Contractor and Installer Certification Program~~

~~State Fire Marshal Division~~

~~Iowa Department of Public Safety~~

~~Attn: SFM Licensing Administration~~

~~215 East 7th Street~~

~~Des Moines, Iowa 50319~~

277.9(2) Complaints may be submitted by electronic mail to ~~alarminfo@dps.state.ia.us~~ alarminfo@dps.state.ia.us or by ~~faesimile~~ to (515)725-6172 the United States Postal Service.

277.9(3) Complaints should be as specific as possible and must clearly identify the contractor or ~~installer technician~~ against whom the complaint is filed. ~~A form which may be used to file complaints is available on the Web site of the alarm system contractor and installer certification program. Complaints may be filed without using the complaint form provided, but shall be submitted in writing. Complaints shall be submitted in writing to the state fire marshal.~~ 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.

NOTE: ~~The Web site for the alarm system contractor and installer certification program is:~~ <http://www.dps.state.ia.us/fm/alarm/index.shtml>.

661—277.10(100C) Denial, suspension, or revocation of ~~certification~~ licensure; civil penalties; and appeals. The state fire marshal may deny, suspend or revoke the ~~certification~~ license of a contractor or ~~installer~~ technician or may assess a civil penalty to the contractor, if any provision of these rules or any other provision of law related to operation as an alarm system contractor or ~~installer~~ technician is violated.

277.10(1) Denial. The state fire marshal may deny an application for ~~certification~~ licensure:

a. If the applicant makes a false statement on the application form or in any other submission of information required for ~~certification~~ 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 ~~certification~~ licensure established in this chapter.

c. If the applicant is currently barred for cause from acting as an alarm system contractor or ~~installer~~ technician in another jurisdiction.

d. If an applicant has previously been barred for cause from operating in another jurisdiction as an alarm system contractor or ~~installer~~ technician and if the basis of that action reflects upon the integrity of the applicant in operating as an alarm system contractor or ~~installer~~ technician. If an applicant is found to have been previously barred for cause from operating as an alarm system contractor or ~~installer~~ technician 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 certified licensed contractor or ~~installer~~ technician. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

e. ~~If either the applicant or the designated responsible managing employee, if the application is for certification as a contractor, has been convicted of a crime which reflects upon the integrity of the applicant in operating as an alarm system contractor or installer, the fire marshal shall evaluate the conviction or convictions with regard to the likelihood that the applicant would operate with integrity as a certified contractor or installer. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory or country. “Conviction” as used in this subrule includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.~~

f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee’s profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

g. Willful or repeated violations of the provisions of this chapter.

277.10(2) Suspension. A suspension of a ~~certification~~ license may be imposed by the state fire marshal for any violation of these rules or Iowa Code ~~Supplement~~ chapter 100C or for a failure to meet any legal requirement to operate as an alarm system contractor or ~~installer~~ technician in this state. Failure to provide any notice to the state 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~~ license even after the period of the suspension.

277.10(3) Revocation. A revocation is a termination of a ~~certification~~ license. A ~~certification~~ 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 an alarm system incorrectly installed by a certified contractor or ~~installer~~ technician 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 ~~certification~~ license. A new application for ~~certification~~ licensure from a contractor or ~~installer~~ technician whose ~~certification~~ license 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 state fire marshal may specify in the revocation order a longer period than one year before a new application for certification licensure may be considered. When a new application for certification licensure from a contractor or installer technician whose certification license was previously revoked is being considered, the applicant may be denied certification licensure based upon the same information which was the basis for revocation even after any such period established by the state fire marshal has expired.

277.10(4) Disqualifications for criminal convictions limited.

a. Notwithstanding any other provision of law to the contrary, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the state fire marshal does not grant an exception pursuant to paragraph 277.10(4) "d."

b. The state fire marshal shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

c. The state fire marshal shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on another similar basis.

d. The state fire marshal shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

(1) The nature and seriousness of the crime for which the applicant was convicted.

(2) The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of Iowa Code section 709.4, a sexually violent offense as defined in Iowa Code section 229A.2, dependent adult abuse in violation of Iowa Code section 235B.20, a forcible felony as defined in Iowa Code section 702.11, or domestic abuse assault in violation of Iowa Code section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

(3) The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

(4) The age of the applicant at the time the offense was committed.

(5) Any treatment undertaken by the applicant.

(6) Whether a certificate of employability has been issued to the applicant pursuant to Iowa Code section 906.19.

(7) Any letters of reference submitted on behalf of the applicant.

(8) All other relevant evidence of rehabilitation and present fitness of the applicant.

e. An applicant may petition the state fire marshal in writing as specified in subrule 277.1(4) for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The state fire marshal shall issue such a determination within 30 days of receiving the petition. The state fire marshal shall determine whether an applicant's criminal record will prevent the applicant from receiving a license while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. The state fire marshal may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed \$25.

f. When the state fire marshal denies an applicant a license solely or partly because of the applicant's prior conviction of a crime, the state fire marshal shall notify the applicant in writing of all of the following:

(1) The grounds for the denial of disqualification.

(2) That the applicant has the right to a hearing to challenge the state fire marshal's decision.

(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

g. A determination by the state fire marshal that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in paragraph 277.10(4) "d" sufficient for a review by a court.

h. In any administrative or civil hearing authorized by this subrule or Iowa Code chapter 17A, the state fire marshal shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

i. The state fire marshal may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. The state fire marshal may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subrule, "complete criminal record" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

~~277.10(4)~~ **277.10(5)** *Civil penalties.* The state 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.

~~277.10(5)~~ **277.10(6)** *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~~ licensed contractor or ~~installer~~ technician by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the contractor or ~~installer~~ technician may accept service personally or through authorized counsel.

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

c. Contractors or ~~installers~~ technicians 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 state fire marshal with copies, within ~~7~~ seven 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 or ~~installer~~ technician before a ~~certificate~~ license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a ~~certification~~ license or has suspended or revoked a ~~certification~~ license pursuant to Iowa Code chapter 252J.

e. In the event a contractor or ~~installer~~ technician 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 department to proceed. For the purpose of determining the effective date of revocation or suspension of the ~~certification~~ license, 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 ~~277.9(5)~~ **277.10(6)** 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~~ 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.

277.10(7) 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 seven 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 277.10(7) 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.

277.10(6) 277.10(8) Appeals. Any denial, suspension, or revocation of a ~~certification~~ license, or any civil penalty imposed upon a ~~certified~~ licensed contractor or ~~installer~~ technician under this rule, other than one imposed pursuant to subrule ~~277.9(5)~~ 277.10(6) or 277.10(7), may be appealed by the contractor or ~~installer~~ technician 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 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 Supplement chapter 100C as amended by 2008 Iowa Acts, House File 2547.

ITEM 18. Adopt the following **new** rule 661—277.11(272C):

661—277.11(272C) 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 Iowa Code section 29A.1, applying for licensure as an alarm system contractor or alarm system technician shall apply for licensure following 661—Chapter 278.

ITEM 19. Adopt the following **new** implementation sentence in **661—Chapter 277:**

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