

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 200
“Fire Marshal Administration”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 100.1

State or federal law(s) implemented by the rulemaking: Iowa Code section 100.1 and chapter 100A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 29, 2025
1:30 to 2 p.m.

Conference Room 125
Oran Pape State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 200 and adopt a new chapter in lieu thereof. The purpose of proposed Chapter 200 is to outline the administration and bureaus of the State Fire Marshal (SFM) Division within the Department. The chapter also contains rules for fire investigations, information sharing with insurance companies, and insurance companies sharing information with the SFM.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no direct cost for the public to comply with these rules.

• **Classes of persons that will benefit from the proposed rulemaking:**

Insurance companies benefit from the outline of information sharing practices. Fire investigators also benefit from the processes and procedures laid out in the chapter.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

There is no direct cost for the public to comply with these rules.

• **Qualitative description of impact:**

These rules provide clarity for processes and procedures during a fire investigation and for information sharing between insurance companies and the SFM.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

No costs are borne by the agency or any other agency.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Since there is no cost to implement or adhere to this chapter, the improved clarity regarding investigative and information sharing processes serves as a benefit to local agencies and insurance companies.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

None were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 200 and adopt the following new chapter in lieu thereof:

CHAPTER 200
FIRE MARSHAL ADMINISTRATION

661—200.1(100) Description. The fire marshal division is created within the department of public safety. The division headquarters is located in the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The main telephone number for the division is 515.725.6150. The general email address for the division is fminfo@dps.state.ia.us.

200.1(1) The assistant director of the division is the state fire marshal, who is appointed by and reports to the director of investigative operations. There is a special agent in charge, appointed by the fire marshal, who also serves as bureau chief of the arson and explosives bureau. The special agent in charge may act in place of the state fire marshal if the state fire marshal position is vacant or the state fire marshal is absent or unavailable.

200.1(2) The division includes the following bureaus:

- a.* Arson and explosives bureau.
- b.* Fire service training bureau.

661—200.2(100) Fire investigations.

200.2(1) The fire marshal has the authority to investigate any fire in the state of Iowa.

- a.* The fire marshal may initiate an investigation of any fire at the discretion of the fire marshal.
- b.* Any local fire or law enforcement official may request the fire marshal to investigate any fire.

Such investigation shall be undertaken at the discretion of the fire marshal.

200.2(2) Local fire officials have the primary responsibility to and will investigate fires. A local fire official who investigates a fire will file a report of each fire investigated with the fire marshal division within one week of the fire even if the fire marshal division participated in, assisted with, directed or supervised the fire investigation. Upon written request setting forth compelling reasons, the fire marshal may grant an extension of the time for filing this report for a period not to exceed 14 days.

200.2(3) A local fire official who investigates a fire will immediately report a fire that involves death or suspected arson by contacting the member of the fire marshal division assigned to that area or, if that member is not available, another member of the fire marshal division. If direct contact with the fire marshal division is impractical, the local fire official may request the county sheriff to relay the information to the fire marshal division via Iowa state patrol communications.

200.2(4) The notice of a fire involving death or arson will contain the following information, if known:

- a.* The date, time, and address of the fire;
- b.* If death has occurred or is suspected, the name, age and address of the person or persons deceased or missing;
- c.* The suspected cause of the fire;
- d.* If arson is suspected, the reasons for suspecting arson, whether there is obvious evidence of arson, and whether there is an arson suspect; and
- e.* Whether an explosion occurred.

661—200.3(100A) Sharing of insurance company information with the fire marshal. Insurance companies will provide specified information to the fire marshal as follows:

200.3(1) Whenever an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, the insurance company will provide to the fire marshal, or some other agency authorized to receive such information under Iowa Code chapter 100A, all information and material possessed by the company relevant to an investigation of the fire loss or a prosecution for arson.

200.3(2) Whenever the fire marshal, or an agent or employee of the fire marshal, requests in writing that an insurance company provide information in its possession regarding a fire to the fire marshal, the insurance company will provide all relevant information requested. Relevant information may include the information provided in Iowa Code section 100A.2.

200.3(3) Unless otherwise expressly limited, any request for information under this rule will be construed to be a request for all information in the possession of an insurance company. Any information in the custody or control of any agent, employee, investigator, attorney or other person engaged, on a permanent or temporary basis, by an insurance company in the person's professional

relationship to the insurance company will be considered to be in the possession of the insurance company subject to this rule.

661—200.4(100A) Release of information to an insurance company. An insurance company that has provided fire loss information to an authorized agency pursuant to Iowa Code section 100A.2 may request information relevant to the fire loss investigation from the fire marshal. If the insurance company has provided information to an authorized agency other than the fire marshal, the request will include proof that information was provided. For purposes of this rule, the term “insurance company” includes an attorney, adjuster or investigator engaged by the company in reference to the particular fire loss involved in the request even though the attorney, adjuster or investigator is not a full-time employee of the insurance company. The attorney, adjuster or investigator will provide the fire marshal with proof of authorization from the insurance company to act as its representative relative to the loss.

These rules are intended to implement Iowa Code chapters 100, 101 and 101A.