

CHAPTER 275
LICENSING OF FIRE PROTECTION SYSTEM CONTRACTORS

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

275.1(1) Licensure required. No person shall act as a fire extinguishing system contractor without being currently licensed as a fire protection system contractor by the state fire marshal.

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

- a. Automatic sprinkler system installation.
- b. Special hazards systems installation.
- c. Preengineered dry chemical or wet agent fire suppression systems installation.
- d. Preengineered water-based fire suppression systems in one- and two-family dwellings installation.
- e. Automatic sprinkler system maintenance inspection.
- f. 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 license.

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

275.1(4) Inquiries. Inquiries regarding the fire protection system contractor license may be addressed to:

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 sfmlicense@dps.state.ia.us or by the United States Postal Service.

[Editorial change: IAC Supplement 6/17/09; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—275.2(100C) Definitions. The following definitions apply to rules 661—275.1(100C) through 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, halogenated extinguishing systems, aerosol systems, hybrid-inert water mist systems, or other equivalent fire extinguishing technologies recognized by the fire extinguishing system contractors and alarm systems 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 combines 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 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.

[ARC 5396C, IAB 1/13/21, effective 2/17/21]

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 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, 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. 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 license of the fire protection system contractor.

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

a. 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. Special hazards 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 special hazard systems, or

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

c. Preengineered dry chemical or wet agent fire suppression system installation:

(1) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II 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 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. Preengineered water-based fire suppression system in one- and two-family dwellings installation:

(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 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.

e. Automatic sprinkler system maintenance inspection:

(1) Current certification from the National Institute for Certification in Engineering Technologies (NICET) at level II in water-based system layout, or

(2) 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 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 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 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.

[ARC 5396C, IAB 1/13/21, effective 2/17/21]

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

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

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

a. The carrier of any insurance coverage maintained to meet this requirement shall notify the 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 the Iowa workforce development department 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) The contractor shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and of any political subdivision in which the contractor is performing work.

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.
[ARC 5396C, IAB 1/13/21, effective 2/17/21]

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 a 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.

[ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—275.6(100C) Application and fees.

275.6(1) Application. Any contractor seeking licensure as a fire 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 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 state fire marshal's website. The application form shall be submitted with all required attachments and the required application fee established in subrule 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 website for the fire protection system contractor license program is: dps.iowa.gov/divisions/state-fire-marshal/licensing/fire-protection.

275.6(2) License fee.

- a. The license fee shall be \$500 per year.
- b. If an application for 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 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.

275.6(3) Payment. The license fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the 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). Payment shall not be made in cash.

275.6(4) Amended licensure fee. The fee for issuance of an amended license is 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 license. A contractor shall request and the fire marshal shall issue an amended license for any of the items listed 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 license is solely a change of business address, the address of the business to which the 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 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 license or payment of the amended license fee.

275.6(5) Attachments. Required attachments to the application for 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 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 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.

[ARC 5396C, IAB 1/13/21, effective 2/17/21]

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

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

Complaints may be submitted by electronic mail to 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. 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.

[Editorial change: IAC Supplement 6/17/09; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—275.8(100C) Denial, suspension, or revocation of licensure; civil penalties; and appeals. The state fire marshal may deny, suspend or revoke the license 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 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 license. "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 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 licensed contractor. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

e. 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 license 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 license even after the period of the suspension.

275.8(3) Revocation. 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 extinguishing system incorrectly installed by a 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 license.

A new application for licensure from a contractor whose 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 licensure may be considered. When a new application for licensure from a contractor whose license was previously revoked is being considered, the applicant may be denied 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(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(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 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 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 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 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 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 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 275.8(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 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(8) Appeals. Any denial, suspension, or revocation of a license, or any civil penalty imposed upon a licensed contractor under this rule, other than one imposed pursuant to subrule 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).

[ARC 5396C, IAB 1/13/21, effective 2/17/21]

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.

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