

CHAPTER 277
CERTIFICATION OF ALARM SYSTEM CONTRACTORS AND INSTALLERS

661—277.1(100C) Establishment of program. There is established within the fire marshal division an alarm system contractor and installer certification program. The program is established pursuant to Iowa Code Supplement chapter 100C.

277.1(1) Certification required.

a. Except as provided in paragraph 277.1(1) “b,” no person shall act as an alarm system contractor without being currently certified as an alarm system contractor by the fire marshal. Except as provided in paragraph 277.1(1) “b,” no person shall act as an alarm system installer without being currently certified by the fire marshal as an alarm system contractor or alarm system installer 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 by the fire marshal as an alarm system installer pursuant to Iowa Code Supplement chapter 103.

EXCEPTION: A person may pull cable for an alarm system under the direct supervision of a certified contractor, certified installer, or person licensed pursuant to Iowa Code Supplement chapter 103 who is working as an installer without certification 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 of each contractor or installer shall carry an endorsement for one or more of the following:

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

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

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

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

Alarm System Contractor and Installer Certification Program
Fire Marshal Division
Iowa Department of Public Safety

215 East 7th Street
Des Moines, Iowa 50319

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

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

“Alarm system” means a system or portion of a combination system that consists of components and circuits 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.

“Alarm system component installer” means an employee of an alarm system contractor who is engaged in a portion of alarm system installation limited to mounting alarm system raceways, boxes or system devices, and pulling of system cable.

“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” means a person who is engaged in the layout, installation, repair, alteration, addition, or maintenance of alarm systems and who is certified under the provisions of this chapter to perform work authorized by that certification and any endorsement pertaining thereto. An alarm system installer 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 as an alarm system installer only on property owned or occupied by such employer.

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

“Alarm system maintenance inspection installer” means an employee of an alarm system contractor who is engaged in maintenance inspection of alarm systems.

“ Dwelling alarm system” means a system or portion of a combination system that consists of components and circuits 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 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. 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 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.

“*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 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; 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.

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 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 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 fire marshal, in writing, 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 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 fire marshal shall suspend the certification 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:

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.

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 fire marshal, such approval is required prior to acceptance of the training or testing to meet certification requirements. Approval by the 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 fire marshal. Any individual, firm or organization seeking to obtain such approval may apply to the fire marshal. 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).

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.

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

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

277.4(1) The contractor shall designate one or more responsible managing employees as provided in rule 661—277.3(100C).

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 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.

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.

277.4(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.

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

277.5(1) Application. Any contractor seeking certification as an alarm system contractor shall submit a completed application form to the fire marshal. The application shall be filed no later than 30 days prior to the date on which certification is required or on which an existing certification expires. An application form may be obtained from the fire marshal or from the Web site of the alarm system contractor and installer certification program. The application form shall be submitted with all required attachments and the required application fee established in subrule 277.5(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 for the alarm system contractor and installer certification program is: <http://www.dps.state.ia.us/fm/alarm/index.shtml>.

277.5(2) Certification fee. The certification fee for alarm system contractors shall be \$300 for three years. If an application for certification 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 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.

277.5(3) Payment. The certification fee shall be submitted by draft, check, or money order in the applicable amount payable to the Department of Public Safety. The memo portion of the check, if the payment is by check, shall be completed as follows: Alarm System Contractor and Installer Certification Program.

277.5(4) Amended certification fee. The fee for issuance of an amended certification is \$100. The fee shall be submitted with the request for an amended certification.

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) A change in insurance coverage; or
- (3) 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 if the sole reason for amending the certificate 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.

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 fire marshal but shall not require issuance of an amended certification or payment of the amended certification fee.

277.5(5) Attachments. Required attachments to the application for certification 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 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 requirements.

277.5(6) National criminal history check. Each applicant for certification as a contractor shall submit fingerprints and the applicable fee as directed by the division of criminal investigation for a national criminal history check conducted by the Federal Bureau of Investigation.

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

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

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 II or higher in fire alarm systems or current certification by NBFSA as an advanced alarm system technician (level II) and two years of related work experience.

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 NBFSA 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.

d. For security alarm system endorsement, completed certification by NBFSA as an alarm technician (level I) or higher, or current NICET level I certification or higher in fire alarm systems or audio systems.

e. For alarm system component installer endorsement, completed certification by NBFSA 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.

f. For alarm system maintenance inspection endorsement, completed certification by NBFSA as an alarm system technician (level I) or higher, or current NICET level I certification or higher in fire alarm systems or audio systems.

g. For dwelling unit alarm system endorsement, completed certification by NBFSA 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.

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 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 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 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. 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).

277.6(4) Work performed by an installer 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 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 employer, unless the employer is not a certified contractor as allowed by 2008 Iowa Acts, House File 2547, section 2.

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

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

277.7(1) *Application.* Any installer seeking certification as an alarm system installer 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 an existing certification expires, except that an application for endorsement as an alarm system installer assistant shall be submitted no later than the first day of employment as an alarm system installer assistant. 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. The application form shall be submitted with all required attachments and the required application fee established in subrule 277.7(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 for the alarm system contractor and installer certification program is: <http://www.dps.state.ia.us/fm/alarm/index.shtml>.

277.7(2) *Certification fee.* The certification fee for an alarm system installer shall be \$150 for three years, except that the certification fee for endorsement as an alarm system installer assistant 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.

277.7(3) *Payment.* The certification fee shall be submitted 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.

277.7(4) Amended certification fee.

a. The fee for issuance of an amended certification is \$50. The fee shall be submitted with the request for an amended certification. An installer shall request and the fire marshal shall issue an amended certificate for a change in any material information included in or with the initial or renewal application.

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

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

277.7(6) National criminal history check. Each applicant for certification as an installer shall submit fingerprints and the applicable fee as directed by the division of criminal investigation for a national criminal history check conducted by the Federal Bureau of Investigation.

661—277.8(100C) Complaints. Complaints regarding the performance of any certified contractor or installer, failure of a certified contractor or installer 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 without certification may be filed with the state fire marshal.

277.8(1) Complaints should be addressed as follows:

Alarm System Contractor and Installer Certification Program

Fire Marshal Division

Iowa Department of Public Safety

215 East 7th Street

Des Moines, Iowa 50319

277.8(2) Complaints may be submitted by electronic mail to alarminfo@dps.state.ia.us or by facsimile to (515)725-6172.

277.8(3) Complaints should be as specific as possible and must clearly identify the contractor or installer 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. 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—277.9(100C) Denial, suspension, or revocation of certification; civil penalties; and appeals. The fire marshal may deny, suspend or revoke the certification of a contractor or installer 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 is violated.

277.9(1) Denial. The fire marshal may deny an application for certification:

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

c. If the applicant is currently barred for cause from acting as an alarm system contractor or installer 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 and if the basis of that action reflects upon the integrity of the applicant in operating as an alarm system contractor or installer. If an applicant is found to have been previously barred for cause from operating as an alarm system contractor or installer in another jurisdiction and is no longer barred from doing so, the fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a certified contractor or

installer. 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. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

277.9(2) Suspension. A suspension of a certification may be imposed by the 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 in this state. Failure to provide any notice to the 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 even after the period of the suspension.

277.9(3) Revocation. A revocation is a termination of a certification. A certification may be revoked by the 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 or when information comes to the attention of the fire marshal which, if known to the fire marshal when the application was being considered, would have resulted in denial of the certification. A new application for certification from a contractor or installer whose certification 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 fire marshal may specify in the revocation order a longer period than one year before a new application for certification may be considered. When a new application for certification from a contractor or installer whose certification was previously revoked is being considered, the applicant may be denied certification based upon the same information which was the basis for revocation even after any such period established by the fire marshal has expired.

277.9(4) Civil penalties. The 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.

277.9(5) 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 contractor or installer 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 may accept service personally or through authorized counsel.

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

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

e. In the event a contractor or installer files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the 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, 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) 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 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.

277.9(6) Appeals. Any denial, suspension, or revocation of a certification, or any civil penalty imposed upon a certified contractor or installer under this rule, other than one imposed pursuant to subrule 277.9(5), may be appealed by the contractor or installer within 14 days of receipt of the notice. Appeals of actions taken by the 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.

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