

CHAPTER 276
LICENSING OF FIRE PROTECTION SYSTEM TECHNICIANS

661—276.1(100D) Establishment of program. There is established within the state fire marshal division a fire protection system installer and maintenance worker licensing program called the fire protection system technician license. The program is established pursuant to Iowa Code chapter 100D.

276.1(1) Licensing required. A person shall not act as a fire protection system installer and maintenance worker without being currently licensed as a fire protection system technician by the state fire marshal, except for the following:

a. A person licensed as a professional engineer pursuant to Iowa Code chapter 542B who is providing consultation or develops plans or other work concerning the installation or design of fire protection systems shall not be required to be licensed pursuant to this chapter.

b. A person whose work on fire protection systems is limited to routine maintenance shall not be required to be licensed pursuant to this chapter.

c. A person who is licensed as a plumber pursuant to Iowa Code chapter 105 and whose work is within the scope of that license shall not be required to be licensed pursuant to this chapter.

d. A person who is working as an apprentice fire protection system technician under the direct supervision of a responsible managing employee or under the direct supervision of a licensed fire protection system technician who is on site while the work is being performed shall not be required to be licensed pursuant to this chapter. For purposes of this rule, “direct supervision” means that the person supervising the person performing the work shall be on the job site while the work being supervised is performed.

e. A person who demolishes fire protection system components shall not be required to be licensed pursuant to this chapter when the work involves the demolition of a complete fire protection system or if the work results in placing a fire protection system out of service. If a fire protection system has been placed out of service, work required to place it into service must be performed by a person licensed to perform such work pursuant to this chapter. A person who demolishes a fire protection system or components thereof shall comply with any local ordinance, statute or administrative rule which requires notification to a local fire authority or the state fire marshal.

f. A person who is a responsible managing employee of a fire extinguishing system contractor licensed pursuant to Iowa Code chapter 100C shall not be required to be licensed pursuant to this chapter, provided that the work performed which is subject to the provisions of this chapter is within the scope of the endorsement or endorsements of the licensure of the licensed contractor employing the responsible managing employee.

276.1(2) Endorsement. Any person acting as a fire protection system installer and maintenance worker shall do so only in relation to systems and work covered by the endorsements on the person’s license. The license of each technician shall carry an endorsement for one or more of the following:

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

i. Fire protection technician trainee.

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

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

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

276.1(4) Inquiries. Inquiries regarding the fire protection system technician licensing program 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.

[ARC 9032B, IAB 8/25/10, effective 10/1/10; ARC 5396C, IAB 1/13/21, effective 2/17/21]

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

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

“Apprentice fire protection system installer and maintenance worker” means a person, other than a fire protection system technician trainee, who is registered in an apprenticeship program approved by the United States Department of Labor and who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a licensed fire protection system contractor or licensed fire protection system technician.

“Automatic fire extinguishing system” means a system of devices and equipment that automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire and includes automatic sprinkler systems, carbon dioxide extinguishing systems, deluge systems, automatic dry-chemical extinguishing systems, foam extinguishing systems, halogenated extinguishing systems, aerosol systems, hybrid-inert water mist systems, or other equivalent fire extinguishing technologies recognized by the fire extinguishing system contractors 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.

“Department” means the department of public safety.

“Dry chemical” means a powder composed of very small particles, usually sodium bicarbonate-, potassium bicarbonate-, or ammonium phosphate-based, with added particulate material supplemented by special treatment to provide resistance to packing, resistance to moisture absorption (caking), and the proper flow capabilities.

“Dry pipe sprinkler system” means an extinguishing system employing automatic sprinklers that are attached to a piping system containing air or nitrogen under pressure, the release of which (as from

the opening of a sprinkler) permits the water pressure to open a valve known as a dry pipe valve, which allows the water to flow into the piping system and out the opened sprinklers.

“Fire extinguishing system contractor,” “fire protection system contractor,” or *“contractor”* means a person(s) engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, service, alteration, addition, testing, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state, as defined in Iowa Code section 100C.1, and who is licensed pursuant to Iowa Code chapter 100C.

“Fire protection system” means a sprinkler, standpipe, hose system, special hazard system, dry system, foam system, or any water-based fire protection system, whether engineered or preengineered and whether manually or automatically activated, used for fire protection purposes which may include an integrated system of underground and overhead piping and which may be connected to a water source.

“Fire protection system installation” means to set up or establish a fire protection system for use in an indicated space.

“Fire protection system installer and maintenance worker” or *“fire protection system technician”* means a person who, having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance and who is licensed by the department to install or maintain the types of fire protection systems endorsed on the person’s fire protection system technician license. A fire protection system technician shall be an employee of a fire protection system contractor or, if employed by anyone other than a fire protection system contractor, shall perform work requiring licensing as a fire protection system technician only on property owned or occupied by such employer and may obtain a license if the employer is not a licensed contractor.

“Fire protection system maintenance” means to provide repairs, including all inspections and tests, required to keep a fire protection system and its component parts in an operative condition at all times and the replacement of the system or its component parts when they become undependable or inoperable.

“Fire protection system technician trainee” means a person who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee or a licensed fire protection system technician who is not a trainee. “Fire protection system technician trainee” does not mean a person who is an apprentice fire protection system installer and maintenance worker.

“Foam extinguishing system” means a special system discharging foam made from concentrates, either mechanically or chemically, over the area to be protected.

“Halogenated extinguishing system” means a fire extinguishing system using one or more atoms of an element from the halogen chemical series of fluorine, chlorine, bromine, and iodine.

“Hybrid-inert water mist system” means a system that 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 the production of listed equipment or materials or periodic evaluation of services and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

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

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

“Preengineered dry chemical or wet agent fire suppression system” means any system having predetermined flow rates, nozzle pressures and limited quantities of either agent. These systems have specific pipe sizes, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a nationally recognized testing laboratory. The hazards

against which these systems protect are specifically limited by the testing laboratory as to the type and size based upon actual fire tests. Limitations on hazards that can be protected against by these systems are contained in the manufacturer's installation manual, which is referenced as part of the listing.

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

"Preengineered water-based fire protection system" means a packaged, water-based sprinkler system including all components connected to a water supply and designed to be installed according to pretested limitations.

"Responsible managing employee" means a person who is an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor and who meets the requirements for a responsible managing employee established in Iowa Code chapter 100C and 661—Chapter 275.

"Routine maintenance" means the repair or replacement of existing fire protection system components of the same size and type, for which no changes in configuration are made. "Routine maintenance" does not mean any new installation or any expansion or extension of any existing fire protection system, nor does it mean inspection and testing.

"Special hazards system" means a fire extinguishing system utilizing fire detection and control methods to release an extinguishing agent, other than water connected to a dedicated fire protection water supply.

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

[ARC 9032B, IAB 8/25/10, effective 10/1/10; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—276.3(100D) Licensing requirements. A fire protection system installer and maintenance worker shall meet all of the following requirements in order to receive a license from the state fire marshal and shall continue to meet all requirements throughout the period of licensure. A licensee shall notify the state fire marshal as established in subrule 276.1(4), in writing, within 30 calendar days if the licensee fails to meet any requirement for licensure.

276.3(1) Compliance. Each licensee shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and in any political subdivision in which the licensee is performing work.

276.3(2) Training requirements. An applicant for a license shall meet one of the requirements for the following endorsements:

a. Automatic sprinkler system installation:

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

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

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

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

b. Special hazards system installation:

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

(2) 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 protection system installation:

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

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

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

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

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

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

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

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

e. Automatic sprinkler system maintenance inspection:

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

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

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

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

f. Special hazards system maintenance inspection:

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

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

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

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

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

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

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

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

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

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

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

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

must be present for every three apprentice fire protection system installers and maintenance workers or fire protection system technician trainees performing work related to fire protection systems.

276.3(3) Continuing education. A license may be renewed only if the licensee has completed recertification of the applicable requirements relative to the endorsement for which the license is being renewed.

276.3(4) Training or testing approval. In any case in which training or testing that is offered to satisfy the requirements of this rule is required to be approved by the state fire marshal, such approval is required prior to acceptance of the training or testing to meet licensure requirements. Approval by the state fire marshal of any training or testing to meet these requirements may be sought by the individual, firm, or organization providing the testing or training or initiated by the state fire marshal. Any individual, firm, or organization seeking to obtain such approval shall apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. Program information and any other documentation requested by the state fire marshal for consideration shall be submitted as specified in subrule 276.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

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

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

276.3(6) Portable fire extinguisher requirements. Nothing in this rule shall be interpreted to conflict with or diminish any requirement for training or certification for anyone installing or servicing a fire extinguishing system or portable fire extinguisher set forth in any rule of the state fire marshal or local fire ordinance or standard adopted by reference therein.

[ARC 9032B, IAB 8/25/10, effective 10/1/10 (See Delay note at the end of chapter); ARC 5396C, IAB 1/13/21, effective 2/17/21]

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

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

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

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

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

h. The person pays all applicable fees.

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

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

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

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

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

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

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

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

661—276.5(100D) Application and fees.

276.5(1) Application. Any person seeking licensure as a fire protection system technician shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date 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 in subrule 276.5(5) and the required license fee established in subrule 276.5(2). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

NOTE: The website for the fire protection system technician licensing program is dps.iowa.gov/divisions/state-fire-marshal/licensing/fire-protection.

276.5(2) License fee.

a. The fee for a permanent or provisional license, except for a trainee license, shall be \$200. If an application for a license provides for more than one endorsement as provided in subrule 276.1(2), there shall be an additional fee of \$25 for each endorsement beyond the first.

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

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

276.5(3) Payment. The license fee shall be submitted electronically or by draft, check, or money order in the applicable amount payable to the Iowa State Fire Marshal Division. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 276.1(4). Payment cannot be made in cash.

276.5(4) Amended license.

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

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

(2) A change in any other material information included in or with the initial or renewal application. A change of address is a material change. However, if the request for an amended license is solely for a change of business address, the former address of the business is in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, and the relocation occurs as a result of flooding or storm damage or other conditions which form a basis for the issuance of the disaster emergency proclamation, the fee shall not apply, although an amended license shall be issued.

b. Other changes in the information required in the application form, including renewal of insurance coverage with a new expiration date, shall be reported to the state fire marshal but shall not require issuance of an amended license or payment of the amended license fee.

276.5(5) Attachments. Required attachments to the application for a license include, but are not limited to, the following:

a. Documentation verifying that the applicant has met the applicable licensure requirements.

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

(1) Proof of residency in this state.

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

1. Copy of a license from other issuing jurisdiction.

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

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

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

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

[ARC 9032B, IAB 8/25/10, effective 10/1/10; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—276.6(100D) Complaints.

276.6(1) Complaints regarding the performance of any licensed fire protection system technician, failure of a licensee to meet any of the requirements established in Iowa Code chapter 100D or this chapter or any other provision of law, or persons operating as fire protection system installers and maintenance workers without licensure may be filed with the state fire marshal. Complaints should be addressed as follows:

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

276.6(2) Complaints may be addressed by electronic mail to sfmlicense@dps.state.ia.us or in writing by the United States Postal Service.

276.6(3) Complaints should be as specific as possible and shall clearly identify the licensee or other person against whom the complaint is filed. Complaints shall be submitted in writing. A complaint may

be submitted anonymously, but if the name and contact information of the complainant are provided, the complainant will be notified of the disposition of the complaint.

[ARC 9032B, IAB 8/25/10, effective 10/1/10; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—276.7(100D) Denial, suspension, or revocation of licensure; civil penalties; appeals. If a licensee or person who performs work requiring a license violates any provision of these rules or any other provision of law related to work requiring licensure pursuant to this chapter, the state fire marshal may deny, suspend or revoke a license or assess a civil penalty to a licensee or to a person who performs work requiring licensure pursuant to this chapter and who is not licensed.

276.7(1) Denial. The state fire marshal may deny an application for licensure:

a. If the applicant makes a false statement on the application form or in any other submission of information required for licensure. “False statement” means providing false information or failing to include material information, such as a previous criminal conviction or action taken by another jurisdiction, when requested on the application form or otherwise in the application process.

b. If the applicant fails to meet all of the requirements for licensure established in this chapter.

c. If the applicant is currently barred for cause from licensure equivalent to that provided for in this chapter in another jurisdiction.

d. If an applicant has previously been barred for cause from operating in another jurisdiction as a fire protection system installer and maintenance worker and if the basis of that action reflects upon the integrity of the applicant in operating as a fire protection system installer and maintenance worker. If an applicant is found to have been previously barred for cause from operating as a fire protection system installer and maintenance worker in another jurisdiction and is no longer barred from doing so, the state fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a licensee. If an applicant is denied licensure under this paragraph, the applicant shall be notified of the specific reasons for the denial.

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

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

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

276.7(2) Suspension. A suspension of a license may be imposed by the state fire marshal for any violation of these rules or Iowa Code chapter 100D or for a failure to meet any legal requirement to operate as a fire protection system installer and maintenance worker in this state. Failure to provide any notice to the state fire marshal as required by these rules shall be grounds for suspension. An order of suspension shall specify the length of the suspension and shall specify that correction of all conditions which were a basis for the suspension is a condition of reinstatement of the license even after the period of the suspension.

276.7(3) Revocation.

a. A revocation is a termination of a license. A license may be revoked by the state fire marshal for repeated violations or for a violation which creates an imminent danger to the safety or health of individuals protected by a fire protection system incorrectly installed by a licensee or when information comes to the attention of the state fire marshal which, if known to the state fire marshal when the application was being considered, would have resulted in denial of the license.

b. A new application for a license from an applicant whose license has previously been revoked shall not be considered for a period of one year after the effective date of the revocation and, in any event,

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

276.7(4) Disqualifications for criminal convictions limited.

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

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

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

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

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

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

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

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

(5) Any treatment undertaken by the applicant.

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

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

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

e. An applicant may petition the state fire marshal in writing as specified in subrule 276.1(4) for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The state fire marshal shall issue such a determination within 30 days of receiving the petition. The state fire marshal shall determine whether an applicant's criminal record will prevent the applicant from receiving a license while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. The state fire marshal may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed \$25.

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

(1) The grounds for the denial of disqualification.

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

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

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

g. A determination by the state fire marshal that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the

applicant's profession must be documented in written findings for each factor specified in this subrule sufficient for a review by a court.

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

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

276.7(5) Civil penalties. The state fire marshal may impose a civil penalty of up to \$500 per day during which a violation has occurred and for every day until the violation is corrected. A civil penalty may be imposed in lieu of or in addition to a suspension or may be imposed in addition to a revocation. A civil penalty shall not be imposed in lieu of a revocation.

276.7(6) Suspension or revocation for nonpayment of child support. The following procedures shall apply to actions taken by the state fire marshal on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

a. The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

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

c. Licensees shall keep the state fire marshal informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the state fire marshal with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

d. All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 252J.

e. In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the state fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the state fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the state fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively to the state fire marshal or within the department of public safety.

NOTE: The procedures established in subrule 276.7(6) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

276.7(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 276.7(7) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

276.7(8) Appeals. Any denial, suspension, or revocation of a license, or any civil penalty imposed upon a licensee or other person under this rule, other than one imposed pursuant to subrule 276.7(6) or 276.7(7), may be appealed by the licensee or other person within 14 days of receipt of the notice. Appeals of actions taken by the state fire marshal under this rule shall be to the commissioner of public safety and shall be treated as contested cases following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

[ARC 9032B, IAB 8/25/10, effective 10/1/10; ARC 5396C, IAB 1/13/21, effective 2/17/21]

661—276.8(272D) Veterans, military service members, and certain survivor beneficiaries. Any individual while serving honorably on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1, applying for licensure as a fire protection system technician shall apply for licensure following 661—Chapter 278.

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

These rules are intended to implement 2009 Iowa Code Supplement chapter 100D as amended by 2010 Iowa Acts, Senate File 2355.

[Filed ARC 9032B (Notice ARC 8855B, IAB 6/16/10), IAB 8/25/10, effective 10/1/10]¹

[Editorial change: IAC Supplement 10/6/10]

[Filed ARC 5396C (Notice ARC 5273C, IAB 11/18/20), IAB 1/13/21, effective 2/17/21]

¹ October 1, 2010, effective date of 276.3(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 14, 2010.