

CHAPTER 277
LICENSING OF ALARM SYSTEM CONTRACTORS AND TECHNICIANS

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

277.1(1) Licensure required. No person shall act as an alarm system contractor without being currently licensed as an alarm system contractor by the state fire marshal. No person shall act as an alarm system technician without being currently licensed by the state fire marshal as an alarm system contractor or alarm system technician unless the person is engaged in the installation of alarm system components, is currently licensed pursuant to Iowa Code chapter 103, and is exempt from requirements for licensure by the state fire marshal as an alarm system technician pursuant to Iowa Code chapter 103.

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

277.1(2) Endorsement.

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

- (1) Alarm system contractor.
 1. Fire alarm system installation.
 2. Nurse call system installation.
 3. Security alarm system installation.
 4. Alarm system maintenance inspection.
 5. Dwelling unit alarm system installation.
- (2) Alarm system technician.
 1. Fire alarm system installation.
 2. Nurse call system installation.
 3. Security alarm system installation.
 4. Alarm system component installation.
 5. Alarm system maintenance inspection.
 6. Dwelling unit alarm system installation.
- (3) Alarm system technician trainee.

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

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

277.1(4) Inquiries. Inquiries regarding the alarm system contractor or alarm system technician license programs 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 5396C, IAB 1/13/21, effective 2/17/21]

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

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

“Alarm system components” means the portion of an alarm system installation limited to mounting alarm system raceways, boxes or system devices, and pulling of system cable, not including final termination at an alarm panel or final connection of the alarm system or alarm system testing.

“Alarm system contractor” or *“contractor”* means a person engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of alarm systems in this state.

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

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

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

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

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

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

“Layout” means drawings, calculations and component specifications to achieve the specified system design installation. “Layout” does not include design.

“Listed” means equipment, materials, or services included in a list published by a nationally recognized independent testing organization that is concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

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

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

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

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

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

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

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

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 licensure; and, if a responsible managing employee is no longer acting in that role, the contractor shall so notify the state fire marshal, in writing, within 30 calendar days, as provided in subrule 277.1(4).

277.3(2) If a responsible managing employee is no longer acting in the role of responsible managing employee and the contractor has designated an alternate responsible managing employee, the alternate responsible managing employee shall become the responsible managing employee and the contractor shall so notify the state fire marshal, in writing as provided in subrule 277.1(4), within 30 calendar days of the date on which the preceding responsible managing employee ceased to act in that role. If the contractor has designated more than one alternate responsible managing employee, the notice to the state fire marshal shall indicate which alternate responsible managing employee has assumed the position of responsible managing employee.

277.3(3) If a responsible managing employee designated by an alarm system contractor is no longer acting in the role of responsible managing employee and the contractor has not designated an alternate responsible managing employee, the contractor shall designate a new responsible managing employee and shall notify the state fire marshal, in writing as provided in subrule 277.1(4), of the designation within six months of the date on which the former responsible managing employee ceased to act in that capacity in writing as provided in subrule 277.1(4). If the state fire marshal has not been notified of the appointment of a new responsible managing employee within six months of the date on which a responsible managing employee ceased serving in that capacity, the state fire marshal shall suspend the license of the alarm system contractor.

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

- a. Fire alarm system installation:

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

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

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

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

b. Nurse call system installation:

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

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

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

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

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

c. Security alarm system installation:

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

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

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

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

d. Alarm system maintenance inspection:

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

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

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

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

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

e. Dwelling unit alarm system installation:

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

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

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

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

277.3(5) In any case in which training or testing that is offered to satisfy the requirements of this rule is required to be approved by the state fire marshal, such approval is required prior to acceptance of the training or testing to meet licensing requirements. Approval by the state fire marshal of any training or testing to meet these requirements may be sought by the individual, firm, or organization providing the testing or training or initiated by the state fire marshal. Any individual, firm, or organization seeking

to obtain such approval may apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. Program information and any other documentation requested by the state fire marshal for consideration shall be submitted to the state fire marshal as specified in subrule 277.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

277.3(6) Work performed by a contractor subject to these rules shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee. Work performed in the state shall not begin prior to:

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

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

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

661—277.4(100C) Contractor licensing requirements. An alarm 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 provided in subrule 277.1(4), within 30 calendar days if the contractor fails to meet any requirement for licensure.

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 state fire marshal 30 days prior to the effective date of cancellation or reduction of the coverage.

b. The contractor shall cease operation immediately if the insurance coverage required by this subrule is no longer in force and other insurance coverage meeting the requirements of this subrule is not in force. A contractor shall not initiate any installation of an alarm system which cannot reasonably be expected to be completed prior to the effective date of the cancellation of the insurance coverage required by this subrule and of which the contractor has received notice, unless new insurance coverage meeting the requirements of this subrule has been obtained and will be in force upon cancellation of the prior coverage.

277.4(3) The contractor shall maintain current registration as a contractor with the labor services division of the Iowa workforce development department in compliance with Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code. The contractor shall provide a copy of the contractor's current registration from the Iowa workforce development department with the application for licensure.

EXCEPTION: A contractor shall not be required to maintain registration with the labor services division of the Iowa workforce development department if the contractor does not meet the definition of "contractor" for purposes of Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code. Written documentation of such exemption must be provided to the state fire marshal upon application for licensure as an alarm system contractor.

277.4(4) 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.

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

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

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

277.5(1) Application. Any contractor seeking licensure as an alarm system contractor shall submit a completed application form to the state fire marshal. The application shall be filed no later than 30 days prior to the date 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 subrules 277.5(2) and 277.5(5). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

NOTE: The website for the alarm system contractor and technician licensure programs is: dps.iowa.gov/divisions/state-fire-marshal/licensing/alarm.

277.5(2) Licensure fee. The license fee for alarm system contractors shall be \$300 for three years. If an application for licensure provides for more than one responsible managing employee pursuant to rule 661—277.3(100C), there shall be an additional fee of \$50 for each responsible managing employee beyond the first. If an application for licensure provides for more than one endorsement as provided in subrule 277.1(2), there shall be an additional fee of \$50 for each endorsement beyond the first.

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

277.5(3) Payment. The 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 277.1(4). Payment shall not be made in cash.

277.5(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 licensure. A contractor shall request and the state fire marshal shall issue an amended license for any of the items listed below and a fee does not apply:

- a. A 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 location of a business is a material change; however, no fee shall be charged for the issuance of an amended license if the sole reason for amending the license is to reflect a change in location which was necessitated by disaster emergency conditions and the business was located in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6; or

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

277.5(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 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 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—277.8(272C).
 1. Copy of a license from other issuing jurisdiction.

2. Evidence the applicant met the issuing jurisdiction's educational requirements and, if applicable, work experience requirements.
3. Evidence the applicant passed issuing jurisdiction's required examination, if applicable.
4. Evidence the applicant has not had a license revoked or voluntarily surrendered, had discipline imposed, or been under investigation by another issuing jurisdiction.
5. Evidence the applicant does not have a complaint, allegation, or investigation pending before any regulatory entity related to unprofessional conduct.

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

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

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

- a. Fire alarm system installation:
 - (1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or
 - (2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level II or above in fire alarm systems, or
 - (3) Current certification by the Electronic Security Association (ESA) at level II in certified alarm technician (CAT), or
 - (4) Current certification by the Elite Continuing Education University (CEU) in fire alarm installation techniques (FAIT), or
 - (5) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.
- b. Nurse call system installation:
 - (1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or
 - (2) Current certification by a nurse call system manufacturer, or
 - (3) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or
 - (4) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or
 - (5) Current licensure as a master electrician or journeyman electrician by the electrical examining board pursuant to Iowa Code chapter 103.
 - (6) Satisfactory completion of an applicable training or testing program that has been approved by the state fire marshal.
- c. Security alarm system installation:
 - (1) Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in alarm system design, or
 - (2) Current certification by the National Institute for Certification in Engineering Technologies (NICET) at level I or above in fire alarm systems, or
 - (3) Current certification by the Electronic Security Association (ESA) at level I in certified alarm technician (CAT), or
 - (4) Current certification by the Elite Continuing Education University (CEU) in advanced electronic intrusion technician (AEIT), or

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

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

d. Alarm system component installation:

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

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

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

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

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

e. Alarm system maintenance inspection:

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

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

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

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

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

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

f. Dwelling unit alarm system installation:

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

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

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

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

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

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

g. Alarm system technician trainee, submission of a completed application no later than the first day of employment. An alarm system technician trainee may perform work which requires licensure under this chapter only under the direct supervision of a licensed alarm system technician or responsible managing employee whose license contains one or more endorsements as provided in rules 661—277.3(100C) and 661—277.6(100C), respectively, and that work must be within the scope of work authorized by the endorsements held by the supervising alarm system technician or responsible managing employee.

277.6(2) The technician shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and of any political subdivision in which the technician is performing work.

277.6(3) In any case in which training or testing that is offered to satisfy the requirements of this rule is required to be approved by the state fire marshal, such approval is required prior to acceptance of

the training or testing to meet licensure requirements. Approval by the state fire marshal of any training or testing to meet these requirements may be sought by the individual, firm, or organization providing the testing or training or initiated by the state fire marshal. Any individual, firm, or organization seeking to obtain such approval may apply to the state fire marshal no later than July 1, 2021, and no later than July 1 every two years thereafter. Program information and any other documentation requested by the state fire marshal for consideration shall be submitted to the state fire marshal as specified in subrule 277.1(4). Training and testing approved by the state fire marshal will be listed on the state fire marshal's licensing website.

277.6(4) Work performed by a technician subject to these rules shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the technician and shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee of the technician's employer, unless the employer is not a licensed contractor as allowed by Iowa Code chapter 100C. Work performed in the state shall not begin prior to one of the following:

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

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

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

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

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

277.7(1) *Application.* Any technician seeking licensure as an alarm 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 on which work begins in the state or on which an existing license expires, except that an application for endorsement as an alarm system technician trainee shall be submitted no later than the first day of employment as an alarm system technician trainee. 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 this rule. An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

277.7(2) *Licensure fee.* The license fee for an alarm system technician shall be \$150 for three years, except that the license fee for endorsement as an alarm system technician trainee shall be \$50 for one year. There shall be an additional fee of \$25 for each endorsement beyond the first.

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

277.7(3) *Payment.* The certification fee shall be submitted electronically by draft, check, or money order in the applicable amount payable to the Iowa State Fire Marshal Division. Draft, check, or money order shall be addressed to the state fire marshal as established in subrule 277.1(4). Payment shall not be made in cash.

277.7(4) *Amended licensure fee.*

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 the request for an amended license. A technician shall request and the state fire marshal shall issue an amended license for a change in any material information included in or with the initial or renewal application. A licensee shall request and the state fire marshal shall issue an amended license for any of the following reasons and a fee does not apply:

(1) A change in employer. A licensee may only transfer 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 new employer and pay the license fee.

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

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

277.7(5) Attachments. Required attachments to the application for license include, but are not limited to, the following:

a. Documentation applicant has met the applicable licensure requirements.

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

(1) Proof of residency in this state.

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

1. Copy of a license from other issuing jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. The person pays all applicable fees.

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

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

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

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

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

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

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

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

277.9(1) 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

277.9(2) Complaints may be submitted by electronic mail to sfmlicense@dps.state.ia.us or by the United States Postal Service.

277.9(3) Complaints should be as specific as possible and must clearly identify the contractor or technician 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.

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

661—277.10(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 technician or may assess

a civil penalty to the contractor, if any provision of these rules or any other provision of law related to operation as an alarm system contractor or technician is violated.

277.10(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 acting as an alarm system contractor or technician in another jurisdiction.

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

277.10(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 an alarm system contractor or technician in this state. Failure to provide any notice to the state fire marshal as provided in these rules shall be grounds for suspension. An order of suspension shall specify the length of the suspension and shall specify that correction of all conditions which were a basis for the suspension is a condition of reinstatement of the license even after the period of the suspension.

277.10(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 an alarm system incorrectly installed by a certified contractor or technician or when information comes to the attention of the state fire marshal which, if known to the state fire marshal when the application was being considered, would have resulted in denial of the license. A new application for licensure from a contractor or technician 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 or technician 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.

277.10(4) Disqualifications for criminal convictions limited.

a. Notwithstanding any other provision of law to the contrary, a person’s conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public

safety exists because the offense directly relates to the duties and responsibilities of the profession and the state fire marshal does not grant an exception pursuant to paragraph 277.10(4) “d.”

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

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

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

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

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

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

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

(5) Any treatment undertaken by the applicant.

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

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

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

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

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

(1) The grounds for the denial of disqualification.

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

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

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

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

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

i. The state fire marshal may require an applicant with a criminal record to submit the applicant’s complete criminal record detailing an applicant’s offenses with an application. The state fire marshal may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant’s occupation. For the purposes

of this subrule, “complete criminal record” includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

277.10(5) *Civil penalties.* The state fire marshal may impose a civil penalty of up to \$500 per day during which a violation has occurred and for every day until the violation is corrected. A civil penalty may be imposed in lieu of or in addition to a suspension or may be imposed in addition to a revocation. A civil penalty shall not be imposed in lieu of a revocation.

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

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

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

d. All applicable fees for an application or reinstatement must be paid by the contractor or technician 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 or technician files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the state fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

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

NOTE: The procedures established in subrule 277.10(6) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A, but must be appealed directly to district court.

277.10(7) *Suspension or revocation for nonpayment of debts owed state or local government.* The following procedures shall apply to actions taken by the state fire marshal on a certificate of noncompliance received from the Iowa department of revenue pursuant to Iowa Code chapter 272D:

a. The notice required by Iowa Code section 272D.3 shall be served upon the licensee by regular mail.

b. The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.3, shall be 20 days following service upon the licensee.

c. Licensees shall keep the state fire marshal informed of all court actions and centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the state fire marshal with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

d. All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the state fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 272D.

e. In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code section 272D.8, the state fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the state fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the state fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

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

NOTE: The procedures established in subrule 277.10(7) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

277.10(8) Appeals. Any denial, suspension, or revocation of a license, or any civil penalty imposed upon a licensed contractor or technician under this rule, other than one imposed pursuant to subrule 277.10(6) or 277.10(7), may be appealed by the contractor or technician within 14 days of receipt of the notice. Appeals of actions taken by the state fire marshal under this rule shall be to the commissioner of public safety and shall be treated as contested cases, following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

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661—277.11(272C) Veterans, military service members, and certain survivor beneficiaries. Any individual while serving honorably on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1, applying for licensure as an alarm system contractor or alarm system technician shall apply for licensure following 661—Chapter 278.

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

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