

875—71.12(89A,252J,272D) Special inspector commissions.

71.12(1) *Definition.* As used in this rule, “certificate of noncompliance” means:

- a. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J; or
- b. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

71.12(2) *Qualifications.*

- a. Each applicant will possess a high school diploma or general equivalency degree.
- b. Each applicant will have at least three years of full-time work experience in the construction, installation, repair or inspection of conveyances.
- c. Each applicant will be a CEI.
- d. Each applicant will satisfactorily pass the department’s examination on Iowa procedures, Iowa policies, and all safety standards adopted by reference.
- e. Each applicant will submit proof of insurance coverage insuring the applicant against liability for injury or death for any act or omission on the part of the applicant. The insurance policy will be in an amount of not less than \$1,000,000 for bodily injury to or death of one person in any one accident, and in an amount of not less than \$5,000,000 for bodily injury to or death of two or more persons in any one accident, and in an amount of not less than \$100,000 for damage to or destruction of property in any one accident. The insurance coverage of the special inspector’s employer complies with this requirement if the coverage provides equivalent coverage for each special inspector.

71.12(3) *Application.* An applicant for a commission will complete, sign, and submit to the department the form provided by the department with the required fee. The applicant will include with the application proof that the applicant is a CEI.

71.12(4) *Expiration.* The commission expires when the commission is suspended or revoked by the director or one year from issuance, whichever occurs earlier.

71.12(5) *Changes.* The special inspector shall notify the department at the time any of the information on the form or attachments changes.

71.12(6) *Denials.* The director may refuse to issue or renew a special inspector’s commission for failure of the applicant to complete an application package, if the applicant is not a CEI, or for any reason listed in subrules 71.12(8) through 71.12(10).

71.12(7) *Investigations.* The director may investigate for any reasonable cause related to special inspectors or special inspector applicants. The director may conduct interviews and utilize other reasonable investigatory techniques. Investigations may be conducted without prior notice at the times and in the places the director directs. The director may notify the organization that certified the special inspector as a CEI of the findings of an investigation.

71.12(8) *Reasons for probation.* The director may issue a notice of commission probation when an investigation reasonably reveals that the special inspector filed inaccurate reports.

71.12(9) *Reasons for suspension.* The director may issue a notice of commission suspension when an investigation reasonably reveals any of the following:

- a. The special inspector failed to submit and report inspections on a timely basis;
- b. The special inspector abused the special inspector’s authority;
- c. The special inspector misrepresented self as a state inspector or a state employee;
- d. The special inspector used commission authority for inappropriate personal gain;
- e. The special inspector failed to follow the department’s rules for inspection of object repairs, alterations, construction, installation, or in-service inspection;
- f. The special inspector committed numerous violations;
- g. The special inspector used fraud or deception to obtain or retain, or to attempt to obtain or retain, a special inspector commission whether for one’s self or another;
- h. The special inspector is no longer a CEI;
- i. The department received a certificate of noncompliance; or
- j. The special inspector failed to take appropriate disciplinary actions against a subordinate special inspector who has committed repeated acts or omissions listed herein.

71.12(10) *Reasons for revocation.* The director may issue a notice of revocation of a special inspector's commission when an investigation reveals any of the following:

- a. The special inspector filed a misleading, false or fraudulent report;
- b. The special inspector failed to perform a required inspection;
- c. The special inspector failed to file a report or filed a report that was not in accordance with the provisions of applicable standards;
- d. The special inspector committed repeated violations;
- e. The special inspector used fraud or deception to obtain or retain, or to attempt to obtain or retain, a special inspector commission whether for one's self or another;
- f. The special inspector instructed, ordered, or otherwise encouraged a subordinate special inspector to perform acts or omissions listed herein;
- g. The special inspector is no longer a CEI; or
- h. The department received a certificate of noncompliance.

71.12(11) *Procedures.* The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J or 272D shall apply.

a. *Notice of actions.* The director will serve a notice on the special inspector by certified mail to an address listed on the commission application form or by other service as permitted by Iowa Code chapter 17A.

b. *Emergency suspension.* If the director finds that the public health, safety or welfare imperatively requires emergency action because a special inspector failed to comply with applicable laws or rules, the special inspector's commission may be summarily suspended.

c. *Probation period.* A special inspector may be placed on probation for a period not to exceed one year for each incident causing probation.

d. *Suspension period.* A special inspector's commission may be suspended up to five years for each incident causing a suspension.

e. *Revocation period.* A special inspector's commission that has been revoked will not be reinstated for five years.

f. *Concurrent actions.* Multiple actions may proceed at the same time against any special inspector.

g. *Revoked or suspended commissions.* Within five business days of final agency action revoking or suspending a special inspector commission, the special inspector shall surrender the special inspector's commission card to the director. The director may notify the special inspector's employer and the organization that certified the special inspector as a CEI of a revocation or suspension.

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