

House Amendment 8396

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1 1 Amend House File 2200, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 1 6 is amended by adding the following new subsection:
1 7 NEW SUBSECTION. 7. To administer the fire
1 8 extinguishing system contractor certification program
1 9 established in chapter 100C.
1 10 Sec. _____. NEW SECTION. 100C.1 DEFINITIONS.
1 11 As used in this chapter, unless the context
1 12 otherwise requires:
1 13 1. "Automatic dry-chemical extinguishing system"
1 14 means a system supplying a powder composed of small
1 15 particles, usually of sodium bicarbonate, potassium
1 16 bicarbonate, urea-potassium-based bicarbonate,
1 17 potassium chloride, or monoammonium phosphate, with
1 18 added particulate material supplemented by special
1 19 treatment to provide resistance to packing, resistance
1 20 to moisture absorption, and the proper flow
1 21 capabilities.
1 22 2. "Automatic fire extinguishing system" means a
1 23 system of devices and equipment that automatically
1 24 detects a fire and discharges an approved fire
1 25 extinguishing agent onto or in the area of a fire and
1 26 includes automatic sprinkler systems, carbon dioxide
1 27 extinguishing systems, deluge systems, automatic dry-
1 28 chemical extinguishing systems, foam extinguishing
1 29 systems, halogenated extinguishing systems, or other
1 30 equivalent fire extinguishing technologies recognized
1 31 by the fire extinguishing system contractors advisory
1 32 board.
1 33 3. "Automatic sprinkler system" means an
1 34 integrated fire protection sprinkler system usually
1 35 activated by heat from a fire designed in accordance
1 36 with fire protection engineering standards and
1 37 includes a suitable water supply. The portion of the
1 38 system above the ground is a network of specially
1 39 sized or hydraulically designed piping installed in a
1 40 structure or area, generally overhead, and to which
1 41 automatic sprinklers are connected in a systematic
1 42 pattern.
1 43 4. "Carbon dioxide extinguishing system" means a
1 44 system supplying carbon dioxide from a pressurized
1 45 vessel through fixed pipes and nozzles and includes a
1 46 manual or automatic actuating mechanism.
1 47 5. "Deluge system" means a sprinkler system
1 48 employing open sprinklers attached to a piping system
1 49 connected to a water supply through a valve that is
1 50 opened by the operation of a detection system
2 1 installed in the same area as the sprinklers.
2 2 6. "Fire extinguishing system contractor" means a
2 3 person engaging in or representing oneself to the
2 4 public as engaging in the activity or business of
2 5 layout, installation, repair, alteration, addition,
2 6 maintenance, or maintenance inspection of automatic
2 7 fire extinguishing systems in this state.
2 8 7. "Foam extinguishing system" means a special
2 9 system discharging foam made from concentrates, either
2 10 mechanically or chemically, over the area to be
2 11 protected.
2 12 8. "Halogenated extinguishing system" means a fire
2 13 extinguishing system using one or more atoms of an
2 14 element from the halogen chemical series of fluorine,
2 15 chlorine, bromine, and iodine.
2 16 9. "Maintenance inspection" means periodic
2 17 inspection and certification completed by a fire
2 18 extinguishing system contractor. For purposes of this
2 19 chapter, "maintenance inspection" does not include an
2 20 inspection completed by a local building official,
2 21 fire inspector, or insurance inspector, when acting in
2 22 an official capacity.
2 23 10. "Responsible managing employee" means an
2 24 owner, partner, officer, or manager employed full-time
2 25 by a fire extinguishing system contractor who has any

2 26 of the following qualifications:
2 27 a. Is certified by the national institute for
2 28 certification in engineering technologies at a level
2 29 III in fire protection technology, automatic sprinkler
2 30 system layout, or another recognized certification in
2 31 automatic sprinkler system layout recognized by rules
2 32 adopted by the fire marshal pursuant to section
2 33 100C.7.
2 34 b. Meets any other criteria established by rule
2 35 under this chapter.

2 36 Sec. _____. NEW SECTION. 100C.2 CERTIFICATION ==
2 37 EMPLOYEES.
2 38 1. A person shall not act as a fire extinguishing
2 39 system contractor without first obtaining a fire
2 40 extinguishing system contractor's certificate pursuant
2 41 to this chapter.
2 42 2. A responsible managing employee may act as a
2 43 responsible managing employee for only one fire
2 44 extinguishing system contractor at a time. The
2 45 responsible managing employee shall not be designated
2 46 as the responsible managing employee for more than two
2 47 fire extinguishing system contractors in any twelve=
2 48 month period.
2 49 3. An employee of a certified fire extinguishing
2 50 system contractor working under the direction of a
3 1 responsible managing employee is not required to
3 2 obtain and maintain an individual fire extinguishing
3 3 system contractor's certificate.

3 4 Sec. _____. NEW SECTION. 100C.3 APPLICATION ==
3 5 INFORMATION TO BE PROVIDED.
3 6 1. A fire extinguishing system contractor shall
3 7 apply for a certificate on a form prescribed by the
3 8 state fire marshal. The application shall be
3 9 accompanied by a fee in an amount prescribed by rule
3 10 pursuant to section 100C.7 and shall include all of
3 11 the following information:
3 12 a. The name, address, and telephone number of the
3 13 contractor, including all legal and fictitious names.
3 14 b. Proof of insurance coverage required by section
3 15 100C.4.
3 16 c. The name and qualifications of the person
3 17 designated as the contractor's responsible managing
3 18 employee and of persons designated as alternate
3 19 responsible managing employees.
3 20 d. Any other information deemed necessary by the
3 21 state fire marshal.
3 22 2. Upon receipt of a completed application and
3 23 prescribed fees, if the contractor meets all
3 24 requirements established by this chapter, the state
3 25 fire marshal shall issue a certificate to the fire
3 26 extinguishing system contractor within thirty days.
3 27 3. Certificates shall expire and be renewed as
3 28 established by rule pursuant to section 100C.7.
3 29 4. Any change in the information provided in the
3 30 application shall be promptly reported to the state
3 31 fire marshal. When the employment of a responsible
3 32 managing employee is terminated, the fire
3 33 extinguishing system contractor shall notify the state
3 34 fire marshal within thirty days after termination.

3 35 Sec. _____. NEW SECTION. 100C.4 INSURANCE.
3 36 A fire extinguishing system contractor shall
3 37 maintain general and complete operations liability
3 38 insurance for the layout, installation, repair,
3 39 alteration, addition, maintenance, and inspection of
3 40 automatic fire extinguishing systems in an amount
3 41 determined by the state fire marshal by rule.

3 42 Sec. _____. NEW SECTION. 100C.5 SUSPENSION AND
3 43 REVOCATION.
3 44 1. The state fire marshal shall suspend or revoke
3 45 the certificate of any fire extinguishing system
3 46 contractor who fails to maintain compliance with the
3 47 conditions necessary to obtain a certificate. A
3 48 certificate may also be suspended or revoked if any of
3 49 the following occur:
3 50 a. The employment or relationship of a responsible
4 1 managing employee with a fire extinguishing system
4 2 contractor is terminated, unless the fire
4 3 extinguishing system contractor has included a
4 4 qualified alternate on the application or an
4 5 application designating a new responsible managing
4 6 employee is filed with the state fire marshal within

4 7 six months after the termination.

4 8 b. The contractor fails to comply with any
4 9 provision of this chapter.

4 10 c. The contractor fails to comply with any other
4 11 applicable codes and ordinances.

4 12 2. If a certificate is suspended pursuant to this
4 13 section, the certificate shall not be reinstated until
4 14 the condition or conditions which led to the
4 15 suspension have been corrected.

4 16 3. The state fire marshal shall adopt rules
4 17 pursuant to section 100C.7 for the acceptance and
4 18 processing of complaints against certificate holders,
4 19 for procedures to suspend and revoke certificates, and
4 20 for appeals of decisions to suspend or revoke
4 21 certificates.

4 22 Sec. ____ NEW SECTION. 100C.6 APPLICABILITY.
4 23 This chapter shall not be construed to do any of
4 24 the following:

4 25 1. Relieve any person from payment of any local
4 26 permit or building fee.

4 27 2. Limit the power of the state or a political
4 28 subdivision of the state to regulate the quality and
4 29 character of work performed by fire extinguishing
4 30 system contractors through a system of fees, permits,
4 31 and inspections designed to ensure compliance with,
4 32 and aid in the administration of, state and local
4 33 building codes or to enforce other local laws for the
4 34 protection of the public health and safety.

4 35 Sec. ____ NEW SECTION. 100C.7 ADMINISTRATION ==
4 36 RULES.
4 37 The state fire marshal shall administer this
4 38 chapter and, after consultation with the fire
4 39 extinguishing system contractors advisory board, shall
4 40 adopt rules pursuant to chapter 17A necessary for the
4 41 administration and enforcement of this chapter.

4 42 Sec. ____ NEW SECTION. 100C.8 PENALTIES.
4 43 1. A person who violates any provision of this
4 44 chapter is guilty of a simple misdemeanor.

4 45 2. The state fire marshal may impose a civil
4 46 penalty of up to five hundred dollars on any person
4 47 who violates any provision of this chapter for each
4 48 day a violation continues. The state fire marshal may
4 49 adopt rules necessary to enforce and collect any
4 50 penalties imposed pursuant to this chapter.

5 1 Sec. ____ NEW SECTION. 100C.9 DEPOSIT AND USE OF
5 2 MONEYS COLLECTED.
5 3 1. All fees assessed pursuant to this chapter
5 4 shall be retained as repayment receipts by the
5 5 division of fire protection in the department of
5 6 public safety and such fees received shall be used
5 7 exclusively to offset the costs of administering this
5 8 chapter.

5 9 2. Notwithstanding section 8.33, fees collected by
5 10 the division of fire protection that remain
5 11 unencumbered or unobligated at the close of the fiscal
5 12 year shall not revert but shall remain available for
5 13 expenditure for the purposes designated until the
5 14 close of the succeeding fiscal year.

5 15 Sec. ____ NEW SECTION. 100C.10 FIRE
5 16 EXTINGUISHING SYSTEM CONTRACTORS ADVISORY BOARD.
5 17 1. A fire extinguishing system contractors
5 18 advisory board is established in the division of fire
5 19 protection of the department of public safety and
5 20 shall advise the state fire marshal on matters
5 21 pertaining to the application and certification of
5 22 fire extinguishing system contractors pursuant to this
5 23 chapter.

5 24 2. The board shall consist of seven voting members
5 25 appointed by the commissioner of public safety as
5 26 follows:

5 27 a. Two full-time fire officials of incorporated
5 28 municipalities or counties.

5 29 b. One full-time building official of an
5 30 incorporated municipality or county.

5 31 c. Two fire extinguishing system contractors,
5 32 certified pursuant to this chapter, of which at least
5 33 one shall be a water-based fire sprinkler contractor.

5 34 d. One professional engineer or architect licensed
5 35 in the state.

5 36 e. One representative of the general public.

5 37 3. The state fire marshal, or the state fire

5 38 marshal's designee, shall be a nonvoting ex officio
5 39 member of the board.

5 40 4. The commissioner shall initially appoint two
5 41 members for two-year terms, two members for four-year
5 42 terms, and three members for six-year terms.
5 43 Following the expiration of the terms of initially
5 44 appointed members, each term thereafter shall be for a
5 45 period of six years. No member shall serve more than
5 46 two consecutive terms.

5 47 5. Four voting members of the advisory board shall
5 48 constitute a quorum. A majority vote of the board
5 49 shall be required to conduct business.>

5 50 #2. Page 3, by inserting after line 1 the
6 1 following:
6 2 _____. APPLICABILITY DATE. The sections of
6 3 this Act enacting sections 100C.1 through 100C.6,
6 4 100C.8, and 100C.9 shall not be applicable until July
6 5 1, 2005.>

6 6 #3. Title page, line 1, by inserting after the
6 7 word the following: 6 8 a fire extinguishing system contractor certification
6 9 program in the office of the state fire marshal,>.

6 10 #4. Title page, line 2, by striking the word
6 11 and inserting the following: .

6 12 #5. Title page, by striking line 4 and inserting
6 13 the following: 6 14 for the Act's applicability. >

6 15 #6. By renumbering as necessary.

6 16 HF 2200.S
6 17 kk/cc/26