

Senate Amendment 5128

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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 <Section 1. Section 100.1, Code Supplement 2003,
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. Is a professional engineer registered in this
2 35 state having at least three years experience with
2 36 automatic fire extinguishing systems.
2 37 c. Meets any other criteria established by rule
2 38 under this chapter.
2 39 Sec. _____. NEW SECTION. 100C.2 CERTIFICATION ==
2 40 EMPLOYEES.
2 41 1. A person shall not act as a fire extinguishing
2 42 system contractor without first obtaining a fire
2 43 extinguishing system contractor's certificate pursuant
2 44 to this chapter.
2 45 2. A responsible managing employee may act as a
2 46 responsible managing employee for only one fire
2 47 extinguishing system contractor at a time. The
2 48 responsible managing employee shall not be designated
2 49 as the responsible managing employee for more than two
2 50 fire extinguishing system contractors in any twelve=
3 1 month period.
3 2 3. An employee of a certified fire extinguishing
3 3 system contractor working under the direction of a
3 4 responsible managing employee is not required to
3 5 obtain and maintain an individual fire extinguishing
3 6 system contractor's certificate.
3 7 Sec. _____. NEW SECTION. 100C.3 APPLICATION ==
3 8 INFORMATION TO BE PROVIDED.
3 9 1. A fire extinguishing system contractor shall
3 10 apply for a certificate on a form prescribed by the
3 11 state fire marshal. The application shall be
3 12 accompanied by a fee in an amount prescribed by rule
3 13 pursuant to section 100C.7 and shall include all of
3 14 the following information:
3 15 a. The name, address, and telephone number of the
3 16 contractor, including all legal and fictitious names.
3 17 b. Proof of insurance coverage required by section
3 18 100C.4.
3 19 c. The name and qualifications of the person
3 20 designated as the contractor's responsible managing
3 21 employee and of persons designated as alternate
3 22 responsible managing employees.
3 23 d. Any other information deemed necessary by the
3 24 state fire marshal.
3 25 2. Upon receipt of a completed application and
3 26 prescribed fees, if the contractor meets all
3 27 requirements established by this chapter, the state
3 28 fire marshal shall issue a certificate to the fire
3 29 extinguishing system contractor within thirty days.
3 30 3. Certificates shall expire and be renewed as
3 31 established by rule pursuant to section 100C.7.
3 32 4. Any change in the information provided in the
3 33 application shall be promptly reported to the state
3 34 fire marshal. When the employment of a responsible
3 35 managing employee is terminated, the fire
3 36 extinguishing system contractor shall notify the state
3 37 fire marshal within thirty days after termination.
3 38 Sec. _____. NEW SECTION. 100C.4 INSURANCE.
3 39 A fire extinguishing system contractor shall
3 40 maintain general and complete operations liability
3 41 insurance for the layout, installation, repair,
3 42 alteration, addition, maintenance, and inspection of
3 43 automatic fire extinguishing systems in an amount
3 44 determined by the state fire marshal by rule.
3 45 Sec. _____. NEW SECTION. 100C.5 SUSPENSION AND
3 46 REVOCATION.
3 47 1. The state fire marshal shall suspend or revoke
3 48 the certificate of any fire extinguishing system
3 49 contractor who fails to maintain compliance with the
3 50 conditions necessary to obtain a certificate. A
4 1 certificate may also be suspended or revoked if any of
4 2 the following occur:

4 3 a. The employment or relationship of a responsible
4 4 managing employee with a fire extinguishing system
4 5 contractor is terminated, unless the fire
4 6 extinguishing system contractor has included a
4 7 qualified alternate on the application or an
4 8 application designating a new responsible managing
4 9 employee is filed with the state fire marshal within
4 10 six months after the termination.

4 11 b. The contractor fails to comply with any
4 12 provision of this chapter.

4 13 c. The contractor fails to comply with any other
4 14 applicable codes and ordinances.

4 15 2. If a certificate is suspended pursuant to this
4 16 section, the certificate shall not be reinstated until
4 17 the condition or conditions which led to the
4 18 suspension have been corrected.

4 19 3. The state fire marshal shall adopt rules
4 20 pursuant to section 100C.7 for the acceptance and
4 21 processing of complaints against certificate holders,
4 22 for procedures to suspend and revoke certificates, and
4 23 for appeals of decisions to suspend or revoke
4 24 certificates.

4 25 Sec. ____ NEW SECTION. 100C.6 APPLICABILITY.

4 26 This chapter shall not be construed to do any of
4 27 the following:

4 28 1. Relieve any person from payment of any local
4 29 permit or building fee.

4 30 2. Limit the power of the state or a political
4 31 subdivision of the state to regulate the quality and
4 32 character of work performed by fire extinguishing
4 33 system contractors through a system of fees, permits,
4 34 and inspections designed to ensure compliance with,
4 35 and aid in the administration of, state and local
4 36 building codes or to enforce other local laws for the
4 37 protection of the public health and safety.

4 38 Sec. ____ NEW SECTION. 100C.7 ADMINISTRATION ==
4 39 RULES.

4 40 The state fire marshal shall administer this
4 41 chapter and, after consultation with the fire
4 42 extinguishing system contractors advisory board, shall
4 43 adopt rules pursuant to chapter 17A necessary for the
4 44 administration and enforcement of this chapter.

4 45 Sec. ____ NEW SECTION. 100C.8 PENALTIES.

4 46 1. A person who violates any provision of this
4 47 chapter is guilty of a simple misdemeanor.

4 48 2. The state fire marshal may impose a civil
4 49 penalty of up to five hundred dollars on any person
4 50 who violates any provision of this chapter for each
5 1 day a violation continues. The state fire marshal may
5 2 adopt rules necessary to enforce and collect any
5 3 penalties imposed pursuant to this chapter.

5 4 Sec. ____ NEW SECTION. 100C.9 DEPOSIT AND USE OF
5 5 MONEYS COLLECTED.

5 6 1. All fees assessed pursuant to this chapter
5 7 shall be retained as repayment receipts by the
5 8 division of fire protection in the department of
5 9 public safety and such fees received shall be used
5 10 exclusively to offset the costs of administering this
5 11 chapter.

5 12 2. Notwithstanding section 8.33, fees collected by
5 13 the division of fire protection that remain
5 14 unencumbered or unobligated at the close of the fiscal
5 15 year shall not revert but shall remain available for
5 16 expenditure for the purposes designated until the
5 17 close of the succeeding fiscal year.

5 18 Sec. ____ NEW SECTION. 100C.10 FIRE
5 19 EXTINGUISHING SYSTEM CONTRACTORS ADVISORY BOARD.

5 20 1. A fire extinguishing system contractors
5 21 advisory board is established in the division of fire
5 22 protection of the department of public safety and
5 23 shall advise the state fire marshal on matters
5 24 pertaining to the application and certification of
5 25 fire extinguishing system contractors pursuant to this
5 26 chapter.

5 27 2. The board shall consist of seven voting members
5 28 appointed by the commissioner of public safety as
5 29 follows:

5 30 a. Two full-time fire officials of incorporated
5 31 municipalities or counties.

5 32 b. One full-time building official of an
5 33 incorporated municipality or county.

5 34 c. Two fire extinguishing system contractors,
5 35 certified pursuant to this chapter, of which at least
5 36 one shall be a water-based fire sprinkler contractor.
5 37 d. One professional engineer or architect licensed
5 38 in the state.
5 39 e. One representative of the general public.
5 40 3. The state fire marshal, or the state fire
5 41 marshal's designee, shall be a nonvoting ex officio
5 42 member of the board.
5 43 4. The commissioner shall initially appoint two
5 44 members for two-year terms, two members for four-year
5 45 terms, and three members for six-year terms.
5 46 Following the expiration of the terms of initially
5 47 appointed members, each term thereafter shall be for a
5 48 period of six years. No member shall serve more than
5 49 two consecutive terms.
5 50 5. Each voting member of the council shall receive
6 1 per diem compensation at the rate specified in section
6 2 7E.6 for each day spent in the performance of the
6 3 member's duties. All members of the council shall
6 4 receive actual and necessary expenses incurred in the
6 5 performance of their duties.
6 6 6. Four voting members of the advisory board shall
6 7 constitute a quorum. A majority vote of the board
6 8 shall be required to conduct business.>
6 9 #2. Title page, line 1, by inserting after the
6 10 word <including> the following: <the establishment of
6 11 a fire extinguishing system contractor certification
6 12 program in the office of the state fire marshal,>.
6 13 #3. Title page, line 2, by striking the word
6 14 <marshal> and inserting the following: <marshal,>.
6 15 #4. Title page, by striking line 4 and inserting
6 16 the following: <providing for fees and penalties.>
6 17 #5. By renumbering as necessary.
6 18
6 19
6 20
6 21 _____
6 21 COMMITTEE ON JUDICIARY
6 22 DONALD B. REDFERN, Chairperson
6 23 HF 2200.202 80
6 24 kk/sh