

# House File 2646 - Enrolled

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1 3 AN ACT  
1 4 PROVIDING FOR THE LICENSURE OF PERSONS INSTALLING FIRE  
1 5 PROTECTION SYSTEMS, PROVIDING FOR THE ESTABLISHMENT  
1 6 OF FEES, AND PROVIDING PENALTIES AND AN EFFECTIVE DATE.  
1 7  
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 9  
1 10 Section 1. Section 100C.6, Code Supplement 2007, is  
1 11 amended by adding the following new subsection:  
1 12 NEW SUBSECTION. 3. Relieve any person engaged in fire  
1 13 sprinkler installation, maintenance, repair, service, or  
1 14 inspection as defined in section 100D.1 from obtaining a fire  
1 15 sprinkler installer or fire sprinkler maintenance worker as  
1 16 required pursuant to chapter 100D.  
1 17 Sec. 2. NEW SECTION. 100D.1 DEFINITIONS.  
1 18 As used in this chapter, unless the context otherwise  
1 19 requires:  
1 20 1. "Apprentice sprinkler fitter" means a person who, as a  
1 21 principal occupation, is engaged in learning the fire  
1 22 protection system industry trade under the direct supervision  
1 23 of a certified fire extinguishing system contractor or  
1 24 licensed fire sprinkler installer and maintenance worker and  
1 25 who is registered with the United States department of labor,  
1 26 office of apprenticeship.  
1 27 2. "Department" means the department of public safety.  
1 28 3. "Fire extinguishing system contractor" means a person  
1 29 or persons engaging in or representing oneself to the public  
1 30 as engaging in the activity or business of layout,  
1 31 installation, repair, service, alteration, addition, testing,  
1 32 maintenance, or maintenance inspection of automatic fire  
1 33 extinguishing systems in this state, as defined in section  
1 34 100C.1, and who is certified pursuant to chapter 100C.  
1 35 4. "Fire protection system" means a sprinkler, standpipe,  
2 1 hose system, special hazard system, dry systems, foam systems,  
2 2 or any water-based fire protection system, either manual or  
2 3 automatically activated, used for fire protection purposes  
2 4 that is composed of an integrated system of underground and  
2 5 overhead piping connected to a water source. For licensing  
2 6 purposes only "fire protection system" does not include the  
2 7 water service piping to a structure or building from a city  
2 8 water main.  
2 9 5. "Fire protection system installation" means to set up  
2 10 or establish for use in an indicated space a fire protection  
2 11 system.  
2 12 6. "Fire protection system maintenance" means to provide  
2 13 repairs, including all inspections and tests, required to keep  
2 14 a fire protection system and its component parts in an  
2 15 operative condition at all times, and the replacement of the  
2 16 system or its component parts when they become undependable or  
2 17 inoperable.  
2 18 7. "Fire sprinkler installer and maintenance worker" means  
2 19 a person who, as a principal occupation, and having the  
2 20 necessary qualifications, training, experience, and technical  
2 21 knowledge, conducts fire protection system installation and  
2 22 maintenance, and who is licensed by the department.  
2 23 Sec. 3. NEW SECTION. 100D.2 LICENSE REQUIRED.  
2 24 1. A person shall not perform fire protection system  
2 25 installations or fire protection system maintenance without  
2 26 first obtaining a fire protection installer and maintenance  
2 27 worker license pursuant to this chapter.  
2 28 a. An employee of a fire extinguishing system contractor  
2 29 working as an apprentice sprinkler fitter performing fire  
2 30 protection system installation or maintenance under the direct  
2 31 supervision of an on-site licensed fire sprinkler installer  
2 32 and maintenance worker is not required to obtain a fire  
2 33 sprinkler installer and maintenance worker license.  
2 34 b. A person who installs or demolishes walls, ceilings,  
2 35 flooring, insulation, or associated materials or a person who  
3 1 demolishes sprinkler pipe is not subject to the provisions of  
3 2 this chapter except when the work involves a complete  
3 3 sprinkler system.

3 4 2. A licensed fire sprinkler installer and maintenance  
3 5 worker must be present at all locations and at all times when  
3 6 fire protection system installation work is being performed.  
3 7 At least one licensed fire sprinkler installer and maintenance  
3 8 worker must be present for every three apprentice sprinkler  
3 9 fitters, or any other employees performing work related to  
3 10 fire protection system installation.

3 11 3. Licenses are not transferable. The lending, selling,  
3 12 giving, or assigning of any license or the obtaining of a  
3 13 license for any other person shall be grounds for revocation.

3 14 4. Licenses shall be issued for a two-year period, and may  
3 15 be renewed as established by the state fire marshal by rule.

3 16 5. An applicant for a license issued under this chapter,  
3 17 excluding an applicant for license renewal, shall be subject  
3 18 to a national criminal history check through the federal  
3 19 bureau of investigation. The applicant shall provide  
3 20 fingerprints to the department of public safety for submission  
3 21 through the state criminal history repository to the federal  
3 22 bureau of investigation. Fees for the national criminal  
3 23 history check shall be paid by the applicant. The results of  
3 24 a criminal history check conducted pursuant to this subsection  
3 25 shall not be considered a public record under chapter 22.

3 26 6. On and after August 1, 2009, a governmental subdivision  
3 27 shall not issue a license to a person installing a fire  
3 28 protection system and shall not prohibit a person installing  
3 29 fire protection systems and licensed pursuant to this chapter  
3 30 from performing services for which that person is licensed  
3 31 pursuant to this chapter or enforce any licensing provisions  
3 32 promulgated by the governmental subdivision against a person  
3 33 licensed pursuant to this chapter.

3 34 7. A governmental subdivision that administers an  
3 35 inspection program relating to the installation of a fire  
4 1 protection system on July 31, 2009, may continue that  
4 2 inspection program.

4 3 Sec. 4. NEW SECTION. 100D.3 FIRE SPRINKLER INSTALLER AND  
4 4 MAINTENANCE WORKER LICENSE.

4 5 The state fire marshal shall issue a fire sprinkler  
4 6 installer and maintenance worker license to an applicant who  
4 7 possesses a minimum of four years of employment experience as  
4 8 an apprentice sprinkler fitter and completed a United States  
4 9 department of labor apprenticeship program and is employed by  
4 10 a fire extinguishing system contractor, who either receives a  
4 11 passing score on the national inspection, testing, and  
4 12 certification star fire sprinkler mastery exam or on an  
4 13 equivalent exam from a nationally recognized third-party  
4 14 testing agency, or who is certified at level one by the  
4 15 national institute for certification in engineering  
4 16 technologies. The holder of a fire sprinkler installer and  
4 17 maintenance worker license shall be responsible for license  
4 18 fees, renewal fees, and continuing education hours.

4 19 Sec. 5. NEW SECTION. 100D.4 INSURANCE AND SURETY BOND  
4 20 REQUIREMENTS.

4 21 1. An applicant for a fire sprinkler installer and  
4 22 maintenance worker license or renewal of an active license  
4 23 shall provide evidence of a public liability insurance policy  
4 24 and surety bond in an amount determined sufficient by the  
4 25 department by rule.

4 26 2. If the applicant is engaged in fire sprinkler installer  
4 27 and maintenance worker work individually through a business  
4 28 conducted as a sole proprietorship, the applicant shall  
4 29 personally obtain the insurance and surety bond required by  
4 30 this section. If the applicant is engaged in the fire  
4 31 sprinkler installer and maintenance worker business as an  
4 32 employee or owner of a legal entity, then the insurance and  
4 33 surety bond required by this section shall be obtained by the  
4 34 entity and shall cover all fire sprinkler installer and  
4 35 maintenance worker work performed by the entity.

5 1 3. The insurance and surety bond shall be written by an  
5 2 entity licensed to do business in this state and each licensee  
5 3 shall maintain on file with the department a certificate  
5 4 evidencing the insurance providing that the insurance or  
5 5 surety bond shall not be canceled without the entity first  
5 6 giving fifteen days written notice to the department.

5 7 Sec. 6. NEW SECTION. 100D.5 ADMINISTRATION == RULES ==  
5 8 SUSPENSION AND REVOCATION.

5 9 The state fire marshal shall do all of the following:

5 10 1. Adopt rules pursuant to chapter 17A necessary for the  
5 11 administration and enforcement of this chapter.

5 12 2. Revoke, suspend, or refuse any license granted pursuant  
5 13 to this chapter when the licensee fails or refuses to pay an  
5 14 examination, license, or renewal fee required by law or when

5 15 the licensee is guilty of any of the following acts or  
5 16 omissions:  
5 17 a. Fraud in procuring a license.  
5 18 b. Professional incompetence.  
5 19 c. Knowingly making misleading, deceptive, untrue, or  
5 20 fraudulent representations in the practice of the licensee's  
5 21 profession or engaging in unethical conduct or practice  
5 22 harmful or detrimental to the public. Proof of actual injury  
5 23 need not be established.  
5 24 d. Habitual intoxication or addiction to the use of drugs.  
5 25 e. Conviction of a felony related to the profession or  
5 26 occupation of the licensee. A copy or the record of  
5 27 conviction or plea of guilty shall be conclusive evidence.  
5 28 f. Fraud in representation as to skill or ability.  
5 29 g. Use of untruthful or improbable statements in  
5 30 advertisements.  
5 31 h. Willful or repeated violations of the provisions of  
5 32 this chapter.

5 33 3. Adopt rules for continuing education requirements,  
5 34 which shall include, at a minimum, completion of sixteen  
5 35 credit hours of instruction per licensure period relating to  
6 1 updates in fire protection system installation and  
6 2 maintenance.

6 3 4. Adopt rules regarding license application forms,  
6 4 examination procedures, and license application and renewal  
6 5 fees.

6 6 5. Adopt rules specifying a violation reporting procedure  
6 7 applicable to division employees, deputy fire marshals,  
6 8 division inspectors, and municipal fire departments.

6 9 Sec. 7. NEW SECTION. 100D.6 PENALTIES.

6 10 The state fire marshal may impose a civil penalty of up to  
6 11 five hundred dollars on any person who violates any provision  
6 12 of this chapter for each day a violation continues. The state  
6 13 fire marshal may adopt rules necessary to enforce and collect  
6 14 any penalties imposed pursuant to this chapter.

6 15 Sec. 8. NEW SECTION. 100D.7 DEPOSIT AND USE OF MONEYS  
6 16 COLLECTED.

6 17 1. The state fire marshal shall set the license fees and  
6 18 renewal fees for all licenses issued pursuant to this chapter,  
6 19 by rule, based upon the actual costs of licensing.

6 20 2. All fees assessed pursuant to this chapter shall be  
6 21 retained as repayment receipts by the division of state fire  
6 22 marshal in the department of public safety and such fees  
6 23 received shall be used exclusively to offset the costs of  
6 24 administering this chapter.

6 25 3. Notwithstanding section 8.33, fees collected by the  
6 26 division of state fire marshal that remain unencumbered or  
6 27 unobligated at the close of the fiscal year shall not revert  
6 28 but shall remain available for expenditure for the purposes  
6 29 designated until the close of the succeeding fiscal year.

6 30 Sec. 9. NEW SECTION. 100D.8 TEMPORARY LICENSURE.

6 31 1. An applicant for licensure under this chapter as a fire  
6 32 sprinkler installer and maintenance worker who possesses a  
6 33 minimum of four years of experience as an apprentice sprinkler  
6 34 fitter and who has not successfully passed the licensure  
6 35 examination or achieved certification as required pursuant to  
7 1 section 100D.3 by August 1, 2009, shall be issued a temporary  
7 2 license as a fire sprinkler installer and maintenance worker  
7 3 for a period of sixty days commencing August 1, 2009. A  
7 4 temporary license shall be granted upon presentation of  
7 5 satisfactory evidence to the department demonstrating  
7 6 experience and competency in conducting fire protection system  
7 7 installations and fire protection system maintenance according  
7 8 to criteria to be determined by the department in rule. A  
7 9 temporary license shall not be renewed.

7 10 2. An applicant issued a temporary license pursuant to  
7 11 this section shall pass the licensure examination or achieve  
7 12 certification on or before February 1, 2010, in order to  
7 13 remain licensed as a fire sprinkler installer and maintenance  
7 14 worker. A temporary license fee shall be established by the  
7 15 department by rule. No temporary licenses will be issued  
7 16 after February 1, 2010.

7 17 Sec. 10. NEW SECTION. 100D.9 TRANSITION PROVISIONS.

7 18 An applicant for licensure under this chapter, who is  
7 19 employed as a fire sprinkler installer and maintenance worker  
7 20 as of July 1, 2008, shall be issued a license upon  
7 21 presentation of satisfactory evidence to the department of at  
7 22 least eight thousand five hundred hours of experience as a  
7 23 fire sprinkler installer and maintenance worker and one of the  
7 24 following:

7 25 1. Presentation of a certificate of completion of a United

7 26 States department of labor, office of apprenticeship,  
7 27 four-year or five-year apprenticeship program.  
7 28 2. A passing score on the national inspection, testing and  
7 29 certification star fire sprinkler mastery exam or an  
7 30 equivalent exam from a nationally recognized third-party  
7 31 testing agency.

7 32 3. A passing score on the NICET level I examination.

7 33 Sec. 11. NEW SECTION. 100D.10 RECIPROCAL LICENSES.  
7 34 To the extent that another state provides for the licensing  
7 35 of fire sprinkler installers and maintenance workers or  
8 1 similar action, the state fire marshal may issue a fire  
8 2 sprinkler installer and maintenance worker license, without  
8 3 examination, to a nonresident fire sprinkler installer and  
8 4 maintenance worker who has been licensed by such other state  
8 5 for at least three years provided such other state grants the  
8 6 same reciprocal licensing privileges to residents of Iowa who  
8 7 have obtained a fire sprinkler installer and maintenance  
8 8 worker license upon payment by the applicant of the required  
8 9 fee and upon furnishing proof that the qualifications of the  
8 10 applicant are equal to the qualifications of holders of  
8 11 similar licenses in this state.

8 12 Sec. 12. NEW SECTION. 100D.11 APPLICABILITY.

8 13 1. The provisions of this chapter shall not be construed  
8 14 to apply to a person licensed as an engineer pursuant to  
8 15 chapter 542B who provides consultation or develops plans or  
8 16 other work concerning the installation or design of fire  
8 17 protection systems.

8 18 2. The provisions of this chapter shall not be construed  
8 19 to apply to a person employed full time as a custodian for a  
8 20 school corporation, hospital, or public facility, who performs  
8 21 fire sprinkler maintenance work involving no more than one  
8 22 sprinkler head or nozzle.

8 23 Sec. 13. NEW SECTION. 100D.12 LOCAL LICENSING  
8 24 PROVISIONS.

8 25 On and after August 1, 2009, a governmental subdivision  
8 26 shall not prohibit a person licensed pursuant to this chapter  
8 27 from performing services for which that person is licensed  
8 28 pursuant to this chapter or enforce any additional licensing  
8 29 provisions promulgated by the governmental subdivision against  
8 30 a person licensed pursuant to this chapter.

8 31 Sec. 14. Section 272C.1, subsection 6, Code Supplement  
8 32 2007, is amended by adding the following new paragraph:

8 33 NEW PARAGRAPH. ae. The department of public safety, in  
8 34 licensing fire sprinkler installers and maintenance workers  
8 35 pursuant to chapter 100D.

9 1 Sec. 15. Section 272C.3, subsection 2, paragraph a, Code  
9 2 Supplement 2007, is amended to read as follows:

9 3 a. Revoke a license, or suspend a license either until  
9 4 further order of the board or for a specified period, upon any  
9 5 of the grounds specified in section 100D.5, 147.55, 148.6,  
9 6 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,  
9 7 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151  
9 8 or 155, as applicable, or upon any other grounds specifically  
9 9 provided for in this chapter for revocation of the license of  
9 10 a licensee subject to the jurisdiction of that board, or upon  
9 11 failure of the licensee to comply with a decision of the board  
9 12 imposing licensee discipline;

9 13 Sec. 16. Section 272C.4, subsection 6, Code Supplement  
9 14 2007, is amended to read as follows:

9 15 6. Define by rule acts or omissions that are grounds for  
9 16 revocation or suspension of a license under section 100D.5,  
9 17 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,  
9 18 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or  
9 19 602.3203 or chapter 151 or 155, as applicable, and to define  
9 20 by rule acts or omissions that constitute negligence, careless  
9 21 acts, or omissions within the meaning of section 272C.3,  
9 22 subsection 2, paragraph "b", which licensees are required to  
9 23 report to the board pursuant to section 272C.9, subsection 2;

9 24 Sec. 17. Section 272C.5, subsection 2, paragraph c, Code  
9 25 Supplement 2007, is amended to read as follows:

9 26 c. Shall state whether the procedures are an alternative  
9 27 to or an addition to the procedures stated in sections 100D.5,  
9 28 147.58 through 147.71, 148.6 through 148.9, 152.10, 152.11,  
9 29 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and  
9 30 544B.16.

9 31 Sec. 18. EFFECTIVE DATE. This Act takes effect on August  
9 32 1, 2009.

10 2 Speaker of the House

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10 7 JOHN P. KIBBIE  
10 8 President of the Senate

10 9 I hereby certify that this bill originated in the House and  
10 10 is known as House File 2646, Eighty-second General Assembly.

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10 12  
10 13 \_\_\_\_\_  
10 14 MARK BRANDSGARD  
10 15 Chief Clerk of the House

10 16 Approved \_\_\_\_\_, 2008

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10 18  
10 19 \_\_\_\_\_  
10 20 CHESTER J. CULVER  
10 21 Governor