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STATE GOVERNMENT

HOUSE FILE

466

BY BRADLEY, CONNORS, and
SUNDERBRUCH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the licensing and regulation of fire
2 sprinklers, fire extinguishers, and fire detection and alarm
3 systems and personnel and providing civil and criminal
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 100.39, unnumbered paragraph 1, Code
2 1999, is amended to read as follows:

3 All buildings approved for construction after July 1, 1998,
4 that exceed four stories in height, or seventy-five feet above
5 grade, shall require the installation of an approved automatic
6 fire extinguishing system designed and installed in conformity
7 with rules promulgated adopted by the state fire marshal
8 pursuant to this chapter and chapter 100B.

9 Sec. 2. NEW SECTION. 100B.1 DEFINITIONS.

10 As used in this chapter unless the context otherwise
11 requires:

12 1. "Engineered fire extinguisher systems" means special
13 suppression systems individually designated in accordance with
14 nationally recognized fire protection design standards and
15 manufacturing guidelines.

16 2. "Fire detection and alarm systems" means a system or
17 portion of a combination system consisting of components and
18 circuits arranged to monitor and annunciate the status of fire
19 alarm or supervisory signal initiating devices and to initiate
20 appropriate response to those signals.

21 3. "Fire sprinkler system" means an assembly of
22 underground or overhead piping or conduits that conveys water
23 with or without other agents to dispersal openings or devices
24 to extinguish, control, or contain fire and to provide
25 protection from exposure to fire or the products of
26 combustion.

27 4. "Firm" means any person, partnership, corporation, or
28 association.

29 5. "Hydrostatic testing" means pressure testing by
30 hydrostatic methods.

31 6. "Portable fire extinguisher" means any portable device
32 that contains liquid, powder, or gases for suppressing or
33 extinguishing fires.

34 7. "Preengineered systems" means systems having
35 predetermined flow rates, nozzle pressures, and quantities of

1 agents. These systems shall have the specific pipe size,
2 maximum and minimum pipe lengths, flexible hose
3 specifications, number of fittings, and number and types of
4 nozzles prescribed by a testing laboratory. The hazards
5 protected by these systems are specifically limited as to type
6 and size by a testing laboratory based upon actual fire tests.
7 Limitations on hazards that can be protected by these systems
8 are contained in the manufacturer's installation manual, which
9 is referenced as part of the listing.

10 | 8. "Servicing" means inspecting, charging, filling,
11 maintaining, recharging, refilling, repairing, or testing an
12 extinguisher or system as defined in this chapter.

13 | 9. "Special agent fire suppression systems" means those
14 assemblies of piping, conduits, or containers that convey
15 liquid, powder, or gases to dispersal openings or devices
16 protecting one or more hazards by suppressing or extinguishing
17 fires, but shall not include fire protection sprinkler
18 systems.

19 | Sec. 3. NEW SECTION. 100B.2 EXCEPTIONS.

20 | The licensing provisions of this chapter shall not apply to
21 the following:

22 | 1. The filling or charging of a fire suppression agent,
23 including a portable fire extinguisher by the manufacturer
24 prior to its initial sale.

25 | 2. The servicing by industrial facilities and fire
26 departments of their own portable fire extinguishers by their
27 own personnel specially trained for such servicing.

28 | 3. A firm engaged in the retailing or wholesaling of
29 portable fire extinguishers that carry a label of approval or
30 listing of a testing laboratory approved by the state fire
31 marshal but not engaged in the installation or servicing of
32 such extinguishers.

33 | 4. Fire departments servicing portable fire extinguishers
34 intended for the exclusive use by that fire department when
35 the members of the fire department are trained in the proper

1 servicing of the fire extinguishers.

2 5. A firm that provides by contract that the installation
3 of a special agent fire suppression system, fire detection and
4 alarm system, or a fire sprinkler system shall be performed
5 under the supervision of and certified by a person licensed to
6 install and certify such systems and that the licensee assumes
7 full responsibility for the installation.

8 6. An Iowa registered professional engineer acting solely
9 in the engineer's professional capacity.

10 7. The installation and servicing of fire detection and
11 alarm systems in one-family or two-family dwellings.

12 8. A firm performing only hydrostatic testing of fire
13 extinguishers manufactured in accordance with the
14 specifications and procedures of the United States department
15 of transportation when testing is conducted in accordance with
16 the procedures specified by that department for compressed gas
17 cylinders.

18 Sec. 4. NEW SECTION. 100B.3 ADMINISTRATION -- RULES.

19 The state fire marshal shall administer this chapter and
20 may adopt rules and regulations the fire marshal considers
21 necessary to such administration pursuant to chapter 17A. In
22 formulating necessary rules and regulations, the fire marshal
23 may use recognized standards, including those of the national
24 fire protection association, those recognized by federal law
25 or regulation, those published by nationally recognized
26 standards-making organizations, or those contained in
27 manufacturers' installation manuals.

28 Sec. 5. NEW SECTION. 100B.4 REGISTRATION -- LICENSING --
29 FEES.

30 1. Each firm engaged in the business of installing or
31 servicing portable fire extinguishers or planning, certifying,
32 installing, or servicing special agent fire suppression
33 systems, fire sprinkler systems, or fire detection and alarm
34 systems shall have a certificate of registration issued by the
35 state fire marshal. Each separate office location of a firm

1 engaged in the business of installing or servicing portable
2 fire extinguishers or planning, certifying, installing, or
3 servicing special agent fire suppression systems, fire
4 sprinkler systems, or fire detection and alarm systems, other
5 than the location identified on the certificate of
6 registration, shall have a branch office registration
7 certificate issued by the fire marshal. The fire marshal
8 shall identify each branch office location as a part of a
9 registered firm before a branch office registration
10 certificate may be issued.

11 2. Each employee of firms engaged in the business of
12 installing or servicing portable fire extinguishers, special
13 agent fire suppression systems, fire sprinkler systems, or
14 fire detection and alarm systems shall have a license issued
15 by the state fire marshal before engaging in any of the
16 following:

17 a. Servicing portable fire extinguishers.

18 b. Installing, servicing, or certifying preengineered
19 fixed fire extinguisher systems.

20 c. Planning, supervising, or certifying the installation
21 of special agent fire suppression systems other than
22 preengineered systems or the servicing of such systems or fire
23 sprinkler systems.

24 d. Planning, certifying, installing, or servicing fire
25 detection and alarm systems or fire sprinkler systems.

26 3. Each person servicing portable fire extinguishers,
27 special agent fire suppression systems, fire sprinkler
28 systems, or fire detection and alarm systems as an apprentice
29 shall, before servicing any portable fire extinguisher,
30 special agent fire suppression system, fire sprinkler system,
31 or fire detection and alarm system, apply to the state fire
32 marshal for a permit. The fire marshal shall establish the
33 qualifications of an applicant by rule.

34 4. The state fire marshal shall prescribe the fees to be
35 charged pursuant to this section by rule.

1 Sec. 6. NEW SECTION. 100B.5 REQUIRED INSURANCE.

2 1. The state fire marshal shall not issue a certificate of
3 registration pursuant to this chapter unless the applicant
4 files with the fire marshal proof of a policy of public
5 liability insurance conditioned to pay on behalf of the
6 insured those sums that the insured becomes legally obligated
7 to pay as damages because of bodily injury or property damage
8 caused by an occurrence involving the insured or the insured's
9 servant, officer, agent, or employee in the conduct of any
10 business registered or licensed under this chapter.

11 2. The limits of insurance coverage required by this
12 section shall not be less than one million dollars for bodily
13 injury and property damage for each occurrence and not less
14 than one million dollars aggregate for all occurrences, unless
15 the state fire marshal increases or decreases the limits
16 pursuant to section 100B.8.

17 3. The evidence of insurance required by this section
18 shall be in the form of a certificate of insurance executed by
19 an insurer authorized to do business in this state and
20 countersigned by an agent licensed in this state. Insurance
21 certificates executed and filed with the fire marshal pursuant
22 to this section shall remain in force until the insurer has
23 terminated future liability by the notice required by the fire
24 marshal.

25 4. Failure to maintain the liability insurance required by
26 this section constitutes grounds for the denial, suspension,
27 or revocation of a certificate of registration issued pursuant
28 to this chapter after notice and opportunity for hearing.

29 Sec. 7. NEW SECTION. 100B.6 SELLING OR LEASING OF
30 PORTABLE FIRE EXTINGUISHERS, SPECIAL AGENT FIRE SUPPRESSION
31 SYSTEMS, FIRE DETECTION AND ALARM SYSTEMS, OR FIRE SPRINKLER
32 SYSTEMS.

33 1. A portable fire extinguisher, special agent fire
34 suppression system, fire sprinkler system, fire detection and
35 alarm system, or extinguisher equipment shall not be leased,

1 sold, rented, or installed in this state unless it carries a
2 label or listing acceptable to the state fire marshal and the
3 registration number of any firm servicing that equipment.

4 | 2. Except for a person not subject to this chapter as
5 provided in section 100B.2, only the holder of a valid license
6 or apprentice permit issued pursuant to this chapter shall
7 service or maintain portable fire extinguishers or install and
8 maintain special agent fire suppression systems, fire
9 sprinkler systems, or fire detection and alarm systems.

10 | 3. A person who has been issued a license pursuant to this
11 chapter to service portable fire extinguishers or install and
12 service special agent fire suppression systems, fire sprinkler
13 systems, or fire detection and alarm systems shall be an
14 employee or agent of a firm that holds a certificate of
15 registration issued pursuant to this chapter.

16 | 4. A certificate of registration, license, or permit
17 issued pursuant to this chapter shall not be transferable.

18 | Sec. 8. NEW SECTION. 100B.7 APPLICATIONS AND HEARINGS ON
19 LICENSES, PERMITS, AND CERTIFICATES.

20 | 1. a. Applications and qualifications for licenses,
21 permits, and certificates issued under this chapter shall be
22 made pursuant to rules adopted by the state fire marshal
23 pursuant to chapter 17A. At a minimum, each employee engaged
24 in the servicing, installing, or certifying of portable fire
25 extinguishers shall complete a prescribed training course
26 approved by the fire marshal and shall pass a written
27 examination formulated or approved by the fire marshal.

28 | b. A firm which engineers or designs special agent fire
29 suppression systems or fire sprinkler systems shall employ at
30 least one individual certified, at a minimum as level III by
31 the national institute for the certification of engineering
32 technicians.

33 | c. At least one individual employed by a firm certified in
34 the planning and installation of engineered fire extinguisher
35 systems or fire sprinkler systems shall be certified to have

1 completed all or a designated number of modules necessary to
2 become certified at level III in the category of automatic
3 sprinkler system layout, special hazard system layout, or fire
4 alarm systems by the national institute for certification in
5 engineering technologies. At least one individual employed by
6 a firm certified in the planning and installation of fire
7 detection and alarm systems shall be certified to have
8 completed all or a designated number of modules necessary to
9 become certified at level III in the category of protection
10 and fire alarm systems by the national institute for the
11 certification in engineering technologies.

12 2. The state fire marshal is authorized to conduct
13 hearings or proceedings concerning the suspension, revocation,
14 or refusal of the issuance or renewal of licenses, permits,
15 hydrostatic testing certificates, and certificates of
16 registration, issued pursuant to this chapter or the
17 application to suspend, revoke, refuse to renew, or refuse to
18 issue the same.

19 3. An applicant, registrant, licensee, or permit holder
20 whose certificate of registration, license, or permit has been
21 refused or revoked pursuant to this chapter, except for
22 failure to pass a required written examination, shall not file
23 another application for a certificate of registration,
24 license, or permit within one year from the effective date of
25 the refusal or revocation. After one year from that date, the
26 applicant may reapply and in a public hearing show good cause
27 why the issuance of a certificate of registration, license, or
28 permit is not against the public safety and welfare.

29 4. A person whose license to service portable fire
30 extinguishers or to install or service special agent fire
31 suppression systems or fire sprinkler system, has been revoked
32 shall retake and pass the required written examination before
33 a new license may be issued.

34 5. An unexpired license or registration may be renewed by
35 paying the required renewal fee to the state fire marshal

1 before the expiration date of the license or registration. If
2 a license or registration has been expired for not longer than
3 ninety days, the license or registration may be renewed by
4 paying the required renewal fee and a fee that is one-half of
5 the original fee for the license or registration to the fire
6 marshal. If a license or registration has been expired for
7 more than ninety days but less than two years, the license or
8 registration may be renewed by paying all unpaid renewal fees
9 and a fee that is equal to the original fee for the license or
10 registration to the fire marshal. If a license or
11 registration has been expired for two years or longer, the
12 license or registration shall not be renewed; however, a new
13 license or certificate of registration may be obtained by
14 complying with the requirements and procedures for obtaining
15 an original license or registration. At least thirty days
16 before the expiration of a license or registration, the fire
17 marshal shall send written notice of the impending license or
18 registration expiration to the licensee or registrant at the
19 licensee's or registrant's last known address. This
20 subsection shall not be construed to prevent the fire marshal
21 from denying or refusing to renew a license under applicable
22 law or rules.

23 6. The state fire marshal by rule may adopt a system under
24 which certificates of registration, licenses, and permits
25 expire on various dates during the year. For the year in
26 which the expiration date of the certificate of registration,
27 license, or permit is less than one year from its issuance or
28 anniversary date, the fee shall be prorated on a monthly basis
29 so that each registrant, licensee, or permittee shall pay only
30 that portion of the fee that is allocable to the number of
31 months during which the certificate of registration, license,
32 or permit is valid. On each subsequent renewal, the total
33 renewal fee shall be payable.

34 7. Not later than the thirtieth day after the day on which
35 a licensing examination is administered pursuant to this

1 chapter, the state fire marshal shall send notice to each
2 examinee of the results of the examination. If an examination
3 is conducted, graded, or reviewed by a testing service, the
4 fire marshal shall send notice to the examinees of the results
5 of the examination within two weeks after the date on which
6 the fire marshal receives the results from the testing
7 service. If the notice of the examination results will be
8 delayed for longer than ninety days after the examination
9 date, the fire marshal shall send notice to the examinee of
10 the reason for the delay before the ninetieth day. If
11 requested in writing by a person who fails the licensing
12 examination administered pursuant to this chapter, the fire
13 marshal shall send to the person an analysis of the person's
14 performance on the examination.

15 8. The state fire marshal may waive any requirement to
16 obtain a new license for an applicant with a valid license
17 from another state having license requirements substantially
18 equivalent to those of this state. However, the applicant, at
19 a minimum, shall register with the state fire marshal.

20 Sec. 9. NEW SECTION. 100B.8 POWERS AND DUTIES OF STATE
21 FIRE MARSHAL.

22 The state fire marshal shall:

23 1. Adopt and administer such rules as may be determined
24 essentially necessary for the protection and preservation of
25 life and property, in controlling the following:

26 a. The registration of firms engaging in the business of
27 servicing portable fire extinguishers or planning, certifying,
28 installing, or servicing special agent fire suppression
29 systems, fire sprinkler systems, or fire detection and alarm
30 systems.

31 b. The registration of firms engaged in the business of
32 hydrostatic testing of fire extinguisher cylinders.

33 c. The examination of persons applying for a license.

34 d. The licensing of persons to service portable fire
35 extinguishers and to plan, certify, install, or service

1 special agent fire suppression systems, fire sprinkler
2 systems, or fire detection and alarm systems.

3 e. The requirements for the servicing of portable fire
4 extinguishers and the planning, certifying, installing, or
5 servicing of special agent fire suppression systems, fire
6 sprinkler systems, or fire detection and alarm systems.

7 2. Evaluate the qualifications of firms or individuals for
8 a certificate of registration to engage in the business of
9 servicing portable fire extinguishers or planning, certifying,
10 installing, or servicing special agent fire suppression
11 systems, fire sprinkler systems, or fire detection and alarm
12 systems.

13 3. Conduct or approve examinations to ascertain the
14 qualifications and fitness of applicants for a license to
15 service portable fire extinguishers or to plan, certify,
16 install, or service special agent fire suppression systems,
17 fire sprinkler systems, or fire detection and alarm systems.

18 4. Issue certificates of registration for those firms that
19 qualify under the rules to engage in the business of servicing
20 portable fire extinguishers or planning, certifying,
21 installing, or servicing special agent fire suppression
22 systems, fire sprinkler systems, or fire detection and alarm
23 systems, and issue licenses, permits, and authorizations to
24 perform hydrostatic testing to the firms or individuals who
25 qualify.

26 5. Have authority, after notice and opportunity for
27 hearing, to increase or decrease the limits of insurance
28 coverage and authorize acceptance of surplus lines coverage if
29 the state fire marshal determines that due to loss experience,
30 market conditions, or other good reason the liability
31 insurance coverage required by section 100B.5 is unavailable
32 to applicants for or holders of certificates of registration.

33 Sec. 10. NEW SECTION. 100B.9 PROHIBITED ACTS.

34 A person or firm shall not do any of the following:

35 1. Engage in the business of servicing portable fire

1 extinguishers without a valid certificate of registration.

2 2. Engage in the business of planning, certifying,
3 installing, or servicing special agent fire suppression
4 systems, fire sprinkler systems, or fire detection and alarm
5 systems without a valid certificate of registration.

6 3. Service portable fire extinguishers or plan, certify,
7 service, or install special agent fire suppression systems,
8 fire sprinkler systems, or fire detection and alarm systems
9 without a valid license.

10 4. Perform hydrostatic testing of fire extinguisher
11 cylinders manufactured in accordance with the specifications
12 and requirements of the United States department of
13 transportation without a valid hydrostatic testing certificate
14 of registration.

15 5. Obtain or attempt to obtain a certificate of
16 registration by fraudulent representation.

17 6. Service portable fire extinguishers or plan, certify,
18 service, or install special agent fire suppression systems,
19 fire sprinkler systems, or fire detection and alarm systems
20 contrary to the provisions of this chapter or the rules
21 adopted pursuant to this chapter.

22 7. Service or hydrostatically test a fire extinguisher
23 that does not have the proper identifying labels.

24 8. Sell, service, or recharge a carbon tetrachloride fire
25 extinguisher.

26 9. Fail to comply with the requirements of section 100B.6,
27 subsection 1.

28 Sec. 11. NEW SECTION. 100B.10 PENALTIES.

29 1. The state fire marshal may refuse the issuance or
30 renewal of, suspend, or revoke a certificate of registration,
31 license, or permit if, after notice and hearing, the fire
32 marshal finds that the applicant, registrant, licensee, or
33 permit holder has violated this chapter.

34 2. Criminal penalty. A person who knowingly or
35 intentionally commits any act prohibited by section 100B.9 is

1 guilty of a simple misdemeanor.

2 3. Civil penalties.

3 a. If the state fire marshal, or designee, finds that one
4 or more grounds exist for the suspension or revocation of a
5 certificate of registration, license, or permit issued
6 pursuant to this chapter, the fire marshal may, in lieu of
7 suspension or revocation, impose a civil penalty upon the
8 offender in an amount not to exceed one thousand dollars for
9 each violation. The imposition of such civil penalties and
10 appeals thereof shall be governed by chapter 17A.

11 b. The state fire marshal may impose a civil penalty of
12 not more than one thousand dollars for each violation if,
13 after notice and hearing, a person or firm is found to have
14 engaged in any activity for which a license, permit, or
15 certificate of registration is required by this chapter,
16 without having obtained such license, permit, or certificate
17 from the state fire marshal.

18 Sec. 12. NEW SECTION. 100B.11 INJUNCTION.

19 1. In addition to the actions and penalties otherwise
20 provided for by this chapter, the state fire marshal may cause
21 to issue in any court of competent jurisdiction an injunction
22 without bond enjoining any person from violating or continuing
23 to violate the provisions of this chapter.

24 2. In the suit for an injunction, the state fire marshal
25 may demand of the defendant a penalty of fifty dollars per day
26 for each violation, reasonable attorney fees, and the costs of
27 court.

28 3. The judgment for penalty, attorney fees, and court
29 costs may be rendered in the same judgment in which the
30 injunction is made.

31 EXPLANATION

32 This bill provides for the regulation of the leasing,
33 renting, selling, and servicing of portable fire extinguishers
34 and the planning, certifying, installing, or servicing of
35 special agent fire suppression systems, fire sprinkler

1 systems, and fire detection and alarm systems, and prohibits
2 the use of portable fire extinguishers, special agent fire
3 suppression systems, fire sprinkler systems, fire detection
4 and alarm systems, and extinguisher equipment which are not
5 properly labeled in accordance with the rules adopted by the
6 state fire marshal. The state fire marshal is given the
7 authority to adopt rules and administer the provisions of this
8 new Code chapter.

9 New Code section 100B.2 excepts certain categories of firms
10 and employees from the requirements of the new Code chapter.

11 New Code section 100B.4 provides for the registration of
12 firms and licensure of employees involved with fire control
13 systems. The section provides that fees shall be set by the
14 fire marshal by rule.

15 New Code section 100B.5 establishes minimum insurance
16 requirements for firms seeking a certificate of registration.

17 New Code section 100B.6 requires the labeling of fire
18 extinguishers and requires, except for some exceptions,
19 licensed persons to install, service, and maintain them.

20 New Code section 100B.7 establishes certain certification
21 requirements for key personnel of firms seeking registration
22 under this new Code chapter. In addition, the section
23 establishes renewal of license and registration procedures and
24 provides for the examination of certain persons seeking a
25 license.

26 New Code section 100B.8 establishes the specific powers and
27 duties of the state fire marshal as related to the
28 administration of the new Code chapter. The section grants
29 the fire marshal explicit authority to modify the insurance
30 requirements otherwise provided for in the new Code chapter.

31 New Code section 100B.9 establishes what acts are
32 prohibited by the new chapter. New Code section 100B.10
33 prescribes applicable penalties concerning the new Code
34 chapter. This section authorizes the revocation of a
35 registration or license. In addition, a person who knowingly

1 or intentionally commits any of the acts specifically
2 prohibited in new Code section 100B.9 commits a simple
3 misdemeanor. In addition, new Code section 100B.10 provides
4 for the imposition of civil penalties. New Code section
5 100B.11 gives the state fire marshal the authority to seek an
6 injunction against any person enjoining the person from
7 violating or continuing to violate the requirements of this
8 new Code chapter.

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