

House Study Bill 122

Bill Text

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1 1 Section 1. Section 100.39, unnumbered paragraph 1, Code
1 2 2001, is amended to read as follows:
1 3 All buildings approved for construction after July 1, 1998,
1 4 that exceed four stories in height, or seventy-five feet above
1 5 grade, shall require the installation of an approved automatic
1 6 fire extinguishing system designed and installed in conformity
1 7 with rules

~~promulgated~~

- adopted by the state fire marshal

1 8 pursuant to this chapter and chapter 100C.

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

1 10 As used in this chapter unless the context otherwise
1 11 requires:

1 12 1. "Responsible managing employee" means an individual
1 13 employed full-time by a water-based fire protection system
1 14 contractor who is an owner, partner, or officer or in a
1 15 management position with such a contractor and meets any of
1 16 the following criteria:

1 17 a. The individual is currently certified by the national
1 18 institute for certification in engineering technologies at
1 19 level III or level IV in fire protection technology, automatic
1 20 sprinkler system layout, or another nationally recognized
1 21 certification in automatic sprinkler system layout recognized
1 22 by the state fire marshal.

1 23 b. The individual is a professional engineer registered in
1 24 Iowa who has at least three years' experience with water-based
1 25 fire protection systems.

1 26 2. "Water-based fire protection system" means a system of
1 27 overhead piping that is designed in accordance with fire
1 28 protection engineering standards, usually activated by heat
1 29 from a fire and which, when activated, discharges water over a
1 30 fire area supplied from an acceptable water supply which is
1 31 specially sized or hydraulically designed and installed in a
1 32 building, structure, or fire area to which fire sprinklers are
1 33 connected, and which includes a controlling valve and usually
1 34 a device for actuating an alarm when the system is in
1 35 operation. Only the portion of the water-based fire
2 1 protection system which is separate from the domestic water
2 2 system is considered the water-based fire protection system.

2 3 Water-based fire protection systems include wet-pipe
2 4 systems, dry-pipe systems, foam-water systems, pre-action
2 5 systems, deluge systems, water mist systems, combined dry pipe
2 6 and pre-action systems, fire pumps, fire protection water
2 7 storage tanks, antifreeze systems, and circulating closed-loop
2 8 systems.

2 9 3. "Water-based fire protection system contractor" means a
2 10 person engaged in the business of design, installation,
2 11 repair, alteration, addition, maintenance, or inspection of
2 12 water-based fire protection systems. However, "water-based
2 13 fire protection system contractor" does not include a local
2 14 building official, fire inspector, or insurance inspector when
2 15 such a person is acting in the person's official capacity, or
2 16 an individual employed by and working under the direction of
2 17 such a contractor.

2 18 Sec. 3. NEW SECTION. 100C.2 ADMINISTRATION RULES.

2 19 The state fire marshal shall administer this chapter and
2 20 may adopt rules pursuant to chapter 17A which the state fire
2 21 marshal considers necessary to such administration.

2 22 Sec. 4. NEW SECTION. 100C.3 CONTRACTOR CERTIFICATE
2 23 APPLICATION FEE RENEWAL.

2 24 1. A water-based fire protection system contractor who
2 25 designs, installs, repairs, alters, adds to, maintains, or
2 26 inspects water-based fire protection systems in this state
2 27 shall obtain a contractor certificate as provided in this
2 28 chapter.

2 29 2. A water-based fire protection system contractor may
2 30 apply to the state fire marshal for a contractor certificate.
2 31 The application shall be made on a form prescribed by the
2 32 state fire marshal and shall include a certificate fee in an
2 33 amount determined by the state fire marshal by rule. Each
2 34 applicant must designate a responsible managing employee, and
2 35 may include a qualified alternate or alternates, on the
3 1 application, and the name of the responsible managing employee
3 2 and alternates shall appear on the certificate with that of
3 3 the water-based fire protection system contractor upon
3 4 issuance of the certificate. Proof of insurance as required
3 5 by section 100C.4 shall also accompany the application.

3 6 3. Within thirty days of the receipt by the state fire
3 7 marshal of a completed application, proof of insurance, and
3 8 the certification fee, the state fire marshal shall issue a
3 9 certificate to the water-based fire protection system
3 10 contractor.

3 11 4. A certificate shall expire on June 30 of the second
3 12 year following issuance. An application form for renewal for
3 13 an additional two-year period shall be filed at least thirty
3 14 days prior to expiration and shall be accompanied by a renewal
3 15 fee in an amount determined by the state fire marshal by rule
3 16 and a sworn affidavit that the responsible managing employee
3 17 is currently employed by the water-based fire protection
3 18 system contractor. A water-based fire protection system
3 19 contractor who fails to apply for the renewal within the time
3 20 stated in this subsection must make a new application for a
3 21 certificate.

3 22 5. A responsible managing employee may act as a
3 23 responsible managing employee for only one water-based fire
3 24 protection system contractor at a time. If a responsible
3 25 managing employee terminates the responsible managing
3 26 employee's association with a water-based fire protection
3 27 system contractor, the water-based fire protection system
3 28 contractor shall notify the state fire marshal within thirty
3 29 days after termination. The responsible managing employee
3 30 shall not be designated as the responsible managing employee
3 31 for more than two water-based fire protection system
3 32 contractors in any twelve-month period. The state fire
3 33 marshal shall revoke the certificate of a water-based fire
3 34 protection system contractor whose responsible managing
3 35 employee has terminated the responsible managing employee's
4 1 association with the water-based fire protection system
4 2 contractor unless the water-based fire protection system
4 3 contractor has included a qualified alternate on the
4 4 application or an application designating a new responsible
4 5 managing employee is filed within six months after
4 6 termination.

4 7 Sec. 5. NEW SECTION. 100C.4 INSURANCE.

4 8 A water-based fire protection system contractor shall
4 9 maintain general and completed operations liability insurance
4 10 for the design, installation, repair, alteration, addition,
4 11 maintenance, and inspection of water-based fire protection
4 12 systems providing at least one million dollars of coverage.

4 13 Sec. 6. NEW SECTION. 100C.5 APPLICABILITY EXCEPTIONS.

4 14 This chapter shall not be construed to do any of the
4 15 following:

4 16 1. Relieve any person from payment of a local permit or
4 17 building fee.
4 18 2. Limit the power of the state or a political subdivision
4 19 of the state to regulate the quality and character of work
4 20 performed by water-based fire protection system contractors
4 21 through a system of fees, permits, and inspections designed to
4 22 ensure compliance with, and aid in the administration of,
4 23 state and local building laws or codes or to enforce other
4 24 local laws for the protection of the public health and safety.

4 25 Sec. 7. NEW SECTION. 100C.6 PENALTIES.

4 26 1. A person who violates any provision of this chapter is
4 27 guilty of a simple misdemeanor.
4 28 2. The state fire marshal may impose a civil penalty of up
4 29 to two hundred fifty dollars on a person who violates any
4 30 provision of this chapter for each day a violation continues.
4 31 A violation of any provision of this chapter shall also
4 32 constitute grounds for revocation of a contractor certificate.

4 33 Sec. 8. NEW SECTION. 100C.7 DEPOSIT AND USE OF MONEYS
4 34 COLLECTED.

4 35 Any moneys or fees collected pursuant to this chapter by
5 1 the state fire marshal shall be deposited in the general fund
5 2 of the state and the moneys are appropriated to the office of
5 3 the state fire marshal for the purpose of administering this
5 4 chapter.

5 5 EXPLANATION

5 6 This bill provides for the regulation of certain fire
5 7 protection system contractors by the state fire marshal. The
5 8 state fire marshal is given the authority to adopt rules and
5 9 administer the provisions of this new Code chapter.

5 10 New Code section 100C.1 defines "water-based fire
5 11 protection system", "water-based fire protection system
5 12 contractor", and "responsible managing employee" of the
5 13 contractor.

5 14 New Code section 100C.2 requires the state fire marshal to
5 15 administer this chapter and to adopt rules pursuant to chapter
5 16 17A as necessary.

5 17 New Code section 100C.3 requires water-based fire
5 18 protection system contractors to apply for a certificate from
5 19 the state fire marshal in order to design, install, repair,
5 20 modify, or inspect water-based fire protection systems in this
5 21 state. The new section requires an application to list a
5 22 responsible managing employee of the contractor who shall meet
5 23 certain qualifications. The certificate is valid until June
5 24 30 following the second year after issuance and is renewable
5 25 for a two-year period. The bill allows the state fire marshal
5 26 to establish the fee for a certificate or a renewal of a
5 27 certificate.

5 28 New Code section 100C.4 requires a water-based fire
5 29 protection system contractor to have at least \$1 million of
5 30 insurance coverage.

5 31 New Code section 100C.5 provides that the new chapter does
5 32 not apply to limit the ability of the state or political
5 33 subdivision to regulate the work performed by water-based fire
5 34 protection system contractors through building codes or other
5 35 laws.

6 1 New Code section 100C.6 provides that a person who violates
6 2 the provisions of this new chapter is guilty of a simple
6 3 misdemeanor. In addition, the state fire marshal is given the
6 4 authority to impose civil penalties of up to \$250 per person
6 5 per day of violation.

6 6 New Code section 100C.7 appropriates moneys collected from
6 7 fees pursuant to this new Code chapter to the state fire
6 8 marshal to administer this new Code chapter.

6 9 LSB 2340HC 79

6 10 av/cls/14

