

# House Study Bill 613

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON MASCHER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the licensure of persons installing fire  
2 protection systems, providing for the establishment of fees,  
3 and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5775HC 82  
6 jr/nh/5

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1 1 Section 1. Section 100C.6, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 3. Relieve any person engaged in fire  
1 4 sprinkler installation, maintenance, repair, service, or  
1 5 inspection as defined in section 100D.1 from obtaining a fire  
1 6 sprinkler installer or fire sprinkler maintenance worker as  
1 7 required pursuant to chapter 100D.  
1 8 Sec. 2. NEW SECTION. 100D.1 DEFINITIONS.  
1 9 As used in this chapter, unless the context otherwise  
1 10 requires:  
1 11 1. "Apprentice sprinkler fitter" means a person who, as a  
1 12 principal occupation, is engaged in learning the fire  
1 13 protection system industry trade under the direct supervision  
1 14 of a certified fire extinguishing system contractor, a  
1 15 licensed fire sprinkler installer, or a licensed fire  
1 16 sprinkler maintenance worker and who is registered with the  
1 17 United States department of labor, office of apprenticeship.  
1 18 2. "Board" means the fire sprinkler installer and  
1 19 maintenance worker advisory board created in this chapter.  
1 20 3. "Fire extinguishing system contractor" means a person  
1 21 or persons engaging in or representing oneself to the public  
1 22 as engaging in the activity or business of layout,  
1 23 installation, repair, service, alteration, addition, testing,  
1 24 maintenance, or maintenance inspection of automatic fire  
1 25 extinguishing systems in this state, as defined in section  
1 26 100C.1, subsection 6, and who is certified pursuant to chapter  
1 27 100C.  
1 28 4. "Fire protection system" means a sprinkler, standpipe,  
1 29 hose system, special hazard system, dry systems, foam systems,  
1 30 or any water-based fire protection system, either manual or  
1 31 automatically activated, used for fire protection purposes  
1 32 that is composed of an integrated system of underground and  
1 33 overhead piping connected to a water source. "Fire protection  
1 34 system" does not include the water service piping to a  
1 35 structure or building from a city water main.  
2 1 5. "Fire protection system installation" means to set up  
2 2 or establish for use in an indicated space a fire protection  
2 3 system.  
2 4 6. "Fire protection system maintenance" means to provide  
2 5 repairs, including all inspections and tests, required to keep  
2 6 a fire protection system and its component parts in an  
2 7 operative condition at all times, and the replacement of the  
2 8 system or its component parts when they become undependable or  
2 9 inoperable.  
2 10 7. "Fire sprinkler installer" means a person who, as a  
2 11 principal occupation, and having the necessary qualifications,  
2 12 training, experience, and technical knowledge, conducts fire  
2 13 protection system installation, and who is licensed by the  
2 14 board.  
2 15 8. "Fire sprinkler maintenance worker" means a person who,  
2 16 as a principal occupation, and having the necessary  
2 17 qualifications, training, experience, and technical knowledge,

2 18 performs fire protection system maintenance, and who is  
2 19 licensed by the board.

2 20 Sec. 3. NEW SECTION. 100D.2 FIRE SPRINKLER INSTALLER AND  
2 21 MAINTENANCE WORKER ADVISORY BOARD.

2 22 1. A fire sprinkler installer and maintenance worker  
2 23 advisory board is created within the division of the state  
2 24 fire marshal of the department of public safety and shall  
2 25 advise the division on matters pertaining to the application  
2 26 and licensure of fire sprinkler installers and fire sprinkler  
2 27 maintenance workers pursuant to this chapter.

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

2 30 a. Two members shall be licensed fire sprinkler  
2 31 installers.

2 32 b. Two members shall be licensed fire sprinkler  
2 33 maintenance workers.

2 34 c. One member shall be a fire extinguishing system  
2 35 contractor.

3 1 d. Two members shall represent the general public.

3 2 3. The state fire marshal or the state fire marshal's  
3 3 designee shall be a nonvoting, ex officio member of the board.

3 4 4. The commissioner shall initially appoint two members  
3 5 for two-year terms, two members for four-year terms, and three  
3 6 members for six-year terms. Following the expiration of the  
3 7 terms of initially appointed members, each term thereafter  
3 8 shall be for a period of six years. No member shall serve  
3 9 more than two consecutive terms.

3 10 5. Four voting members of the advisory board shall  
3 11 constitute a quorum. A majority vote of the board shall be  
3 12 required to conduct business.

3 13 Sec. 4. NEW SECTION. 100D.3 LICENSE REQUIRED.

3 14 1. A person shall not perform fire protection system  
3 15 installations or fire protection system maintenance without  
3 16 first obtaining a fire protection installer or fire protection  
3 17 maintenance worker license pursuant to this chapter.

3 18 a. An employee of a licensed fire sprinkler installer or  
3 19 fire extinguishing system contractor working as an apprentice  
3 20 sprinkler fitter performing fire protection system  
3 21 installation or maintenance under the direct supervision of an  
3 22 on-site licensed fire sprinkler installer is not required to  
3 23 obtain a fire sprinkler installer license.

3 24 b. A person who installs or demolishes walls, ceilings,  
3 25 flooring, insulation, or associated materials is not subject  
3 26 to the provisions of this chapter.

3 27 2. A licensed fire sprinkler installer or a licensed fire  
3 28 sprinkler maintenance worker must be present at all locations  
3 29 and at all times when fire protection system installation work  
3 30 is being performed. At least one licensed fire sprinkler  
3 31 installer or licensed fire sprinkler maintenance worker must  
3 32 be present for every two apprentice sprinkler fitters, or any  
3 33 other employees performing work related to fire protection  
3 34 system installation.

3 35 3. Licenses are not transferable. The lending, selling,  
4 1 giving, or assigning of any license or the obtaining of a  
4 2 license for any other person shall be grounds for revocation.

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

4 5 Sec. 5. NEW SECTION. 100D.4 FIRE SPRINKLER INSTALLER  
4 6 LICENSE.

4 7 The state fire marshal shall issue a fire sprinkler  
4 8 installer license to an applicant who possesses five years of  
4 9 employment experience as an apprentice sprinkler fitter, or to  
4 10 a fire extinguishing system contractor, who either receives a  
4 11 passing score on the united association star fire sprinkler  
4 12 fitter mastery exam or is certified at level three by the  
4 13 national institute for certification in engineering  
4 14 technologies. The holder of a fire sprinkler installer  
4 15 license shall be responsible for license fees, renewal fees,  
4 16 and continuing education hours.

4 17 Sec. 6. NEW SECTION. 100D.5 FIRE SPRINKLER MAINTENANCE  
4 18 WORKER LICENSE.

4 19 The state fire marshal shall issue a fire sprinkler  
4 20 maintenance worker license to an applicant who possesses five  
4 21 years of employment experience as an apprentice sprinkler  
4 22 fitter, or to a fire extinguishing system contractor, who  
4 23 either receives a passing score on the united association star  
4 24 fire sprinkler fitter mastery exam or is certified at level  
4 25 three by the national institute for certification in  
4 26 engineering technologies in the maintenance and testing of  
4 27 sprinkler systems. The holder of a fire sprinkler fitter  
4 28 maintenance worker license shall be responsible for license

4 29 fees, renewal fees, and continuing education hours.  
4 30 Sec. 7. NEW SECTION. 100D.6 ADMINISTRATION == RULES ==  
4 31 SUSPENSION AND REVOCATION.  
4 32 The state fire marshal shall do all of the following:  
4 33 1. Adopt rules pursuant to chapter 17A, in consultation  
4 34 with the fire sprinkler installer and maintenance worker  
4 35 advisory board, necessary for the administration and  
5 1 enforcement of this chapter.  
5 2 2. Revoke, suspend, or refuse any license granted pursuant  
5 3 to this chapter when the licensee fails or refuses to pay an  
5 4 examination, license, or renewal fee required by law or when  
5 5 the licensee is guilty of any of the following acts or  
5 6 omissions:  
5 7 a. Fraud in procuring a license.  
5 8 b. Professional incompetence.  
5 9 c. Knowingly making misleading, deceptive, untrue, or  
5 10 fraudulent representations in the practice of the licensee's  
5 11 profession or engaging in unethical conduct or practice  
5 12 harmful or detrimental to the public. Proof of actual injury  
5 13 need not be established.  
5 14 d. Habitual intoxication or addiction to the use of drugs.  
5 15 e. Conviction of a felony related to the profession or  
5 16 occupation of the licensee. A copy or the record of  
5 17 conviction or plea of guilty shall be conclusive evidence.  
5 18 f. Fraud in representation as to skill or ability.  
5 19 g. Use of untruthful or improbable statements in  
5 20 advertisements.  
5 21 h. Willful or repeated violations of the provisions of  
5 22 this chapter.  
5 23 3. Adopt rules for continuing education requirements,  
5 24 which shall include, at a minimum, completion of sixteen  
5 25 credit hours of instruction per licensure period relating to  
5 26 updates in fire protection system installation and  
5 27 maintenance.  
5 28 4. Adopt rules regarding license application forms,  
5 29 examination procedures, and license application and renewal  
5 30 fees.  
5 31 5. Adopt rules, in consultation with the board, specifying  
5 32 a violation reporting procedure applicable to division  
5 33 employees, deputy fire marshals, division inspectors, and  
5 34 municipal fire departments.  
5 35 Sec. 8. NEW SECTION. 100D.7 PENALTIES.  
6 1 1. A person who violates any provision of this chapter is  
6 2 guilty of a serious misdemeanor.  
6 3 2. The state fire marshal may impose a civil penalty of up  
6 4 to five hundred dollars on any person who violates any  
6 5 provision of this chapter for each day a violation continues.  
6 6 The state fire marshal may adopt rules necessary to enforce  
6 7 and collect any penalties imposed pursuant to this chapter.  
6 8 Sec. 9. NEW SECTION. 100D.8 DEPOSIT AND USE OF MONEYS  
6 9 COLLECTED.  
6 10 1. The state fire marshal, in consultation with the fire  
6 11 sprinkler installer and maintenance worker advisory board,  
6 12 shall set the license fees and renewal fees for all licenses  
6 13 issued pursuant to this chapter, by rule, based upon the costs  
6 14 of sustaining the board and the actual costs of licensing.  
6 15 2. All fees assessed pursuant to this chapter shall be  
6 16 retained as repayment receipts by the division of state fire  
6 17 marshal in the department of public safety and such fees  
6 18 received shall be used exclusively to offset the costs of  
6 19 administering this chapter.  
6 20 3. Notwithstanding section 8.33, fees collected by the  
6 21 division of state fire marshal that remain unencumbered or  
6 22 unobligated at the close of the fiscal year shall not revert  
6 23 but shall remain available for expenditure for the purposes  
6 24 designated until the close of the succeeding fiscal year.  
6 25 Sec. 10. NEW SECTION. 100D.9 TEMPORARY LICENSURE.  
6 26 1. An applicant for licensure under this chapter as a fire  
6 27 sprinkler installer who possesses five years of experience as  
6 28 an apprentice sprinkler fitter and who has not successfully  
6 29 passed the licensure examination or achieved certification as  
6 30 required pursuant to section 100D.4 by January 1, 2009, or an  
6 31 applicant for licensure under this chapter as a fire sprinkler  
6 32 maintenance worker who has not achieved certification as  
6 33 required pursuant to section 100D.5 by January 1, 2009, shall  
6 34 be issued a temporary license as a fire sprinkler installer or  
6 35 fire sprinkler maintenance worker for a period of sixty days  
7 1 commencing January, 1, 2009. A temporary license shall be  
7 2 granted upon presentation of satisfactory evidence to the  
7 3 board demonstrating experience and competency in conducting  
7 4 fire protection system installations or fire protection system

7 5 maintenance according to criteria to be determined by the  
7 6 board and adopted by the state fire marshal by rule. A  
7 7 temporary license shall not be renewed.  
7 8 2. An applicant issued a temporary license pursuant to  
7 9 this section shall pass the licensure examination or achieve  
7 10 certification on or before July 1, 2010, in order to remain  
7 11 licensed as a fire sprinkler installer or fire sprinkler  
7 12 maintenance worker. A temporary license fee shall be  
7 13 established by the board and adopted by the state fire marshal  
7 14 by rule. No temporary licenses will be issued after July 1,  
7 15 2010.

7 16 Sec. 11. NEW SECTION. 100D.10 TRANSITION PROVISIONS.  
7 17 An applicant for licensure under this chapter, who is  
7 18 currently employed as a fire sprinkler installer or as a fire  
7 19 sprinkler maintenance worker as of July 1, 2008, shall be  
7 20 issued a license upon presentation of satisfactory evidence to  
7 21 the board of at least eight thousand five hundred hours of  
7 22 experience as a fire sprinkler installer or as a fire  
7 23 sprinkler maintenance worker and a passing score on the united  
7 24 association star fire sprinkler fitter mastery exam.

7 25 Sec. 12. NEW SECTION. 100D.11 RECIPROCAL LICENSES.  
7 26 To the extent that another state provides for the licensing  
7 27 of fire sprinkler installers or fire sprinkler maintenance  
7 28 workers or similar action, the state fire marshal may issue a  
7 29 fire sprinkler installer or a fire sprinkler maintenance  
7 30 worker license, without examination, to a nonresident fire  
7 31 sprinkler installer or a fire sprinkler maintenance worker who  
7 32 has been licensed by such other state for at least three years  
7 33 provided such other state grants the same reciprocal licensing  
7 34 privileges to residents of Iowa who have obtained a fire  
7 35 sprinkler installer or fire sprinkler maintenance worker  
8 1 license upon payment by the applicant of the required fee and  
8 2 upon furnishing proof that the qualifications of the applicant  
8 3 are equal to the qualifications of holders of similar licenses  
8 4 in this state.

8 5 Sec. 13. Section 272C.1, subsection 6, Code Supplement  
8 6 2007, is amended by adding the following new paragraph:  
8 7 NEW PARAGRAPH. ae. The state fire marshal, in  
8 8 consultation with the fire sprinkler installer and maintenance  
8 9 worker advisory board, in licensing fire sprinkler installers  
8 10 and fire sprinkler maintenance workers pursuant to chapter  
8 11 100D.

8 12 Sec. 14. Section 272C.3, subsection 2, paragraph a, Code  
8 13 Supplement 2007, is amended to read as follows:  
8 14 a. Revoke a license, or suspend a license either until  
8 15 further order of the board or for a specified period, upon any  
8 16 of the grounds specified in section 100D.6, 147.55, 148.6,  
8 17 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,  
8 18 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151  
8 19 or 155, as applicable, or upon any other grounds specifically  
8 20 provided for in this chapter for revocation of the license of  
8 21 a licensee subject to the jurisdiction of that board, or upon  
8 22 failure of the licensee to comply with a decision of the board  
8 23 imposing licensee discipline;

8 24 Sec. 15. Section 272C.4, subsection 6, Code Supplement  
8 25 2007, is amended to read as follows:  
8 26 6. Define by rule acts or omissions that are grounds for  
8 27 revocation or suspension of a license under section 100D.6,  
8 28 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,  
8 29 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or  
8 30 602.3203 or chapter 151 or 155, as applicable, and to define  
8 31 by rule acts or omissions that constitute negligence, careless  
8 32 acts, or omissions within the meaning of section 272C.3,  
8 33 subsection 2, paragraph "b", which licensees are required to  
8 34 report to the board pursuant to section 272C.9, subsection 2;

8 35 Sec. 16. Section 272C.5, subsection 2, paragraph c, Code  
9 1 Supplement 2007, is amended to read as follows:  
9 2 c. Shall state whether the procedures are an alternative  
9 3 to or an addition to the procedures stated in sections 100D.6,  
9 4 147.58 through 147.71, 148.6 through 148.9, 152.10, 152.11,  
9 5 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and  
9 6 544B.16.

#### 9 7 EXPLANATION

9 8 This bill provides for statewide licensing of fire  
9 9 sprinkler installers and fire sprinkler maintenance workers in  
9 10 new Code chapter 100D. The bill provides that a person shall  
9 11 not perform fire protection system installations or  
9 12 maintenance without first obtaining a fire sprinkler installer  
9 13 or a fire sprinkler maintenance worker license, and requires  
9 14 that a licensed fire sprinkler installer or licensed fire  
9 15 sprinkler maintenance worker shall be present at all locations

9 16 and at all times when fire protection system installation work  
9 17 is being performed.

9 18 The bill contains a definitions section defining various  
9 19 forms of employment in capacities involved with fire sprinkler  
9 20 installation and maintenance, and defining related terms. The  
9 21 bill defines a "fire protection system" as a sprinkler,  
9 22 standpipe, hose system, dry system, foam system, or other  
9 23 special hazard system for fire protection purposes that is  
9 24 composed of an integrated system of underground and overhead  
9 25 piping connected to a water source, and provides that such a  
9 26 system does not include the water service piping from a city  
9 27 main to a structure or building.

9 28 The bill creates a seven-member fire sprinkler installer  
9 29 and fire sprinkler maintenance worker advisory board within  
9 30 the division of state fire marshal of the department of public  
9 31 safety. The state fire marshal, in consultation with the  
9 32 advisory board, will promulgate rules for the administration  
9 33 and enforcement of the licensing requirements.

9 34 The bill provides that a fire sprinkler installer license  
9 35 shall be issued to an applicant possessing five years of  
10 1 employment experience as an apprentice sprinkler fitter, and  
10 2 who either receives a passing score on the united association  
10 3 star fire sprinkler fitter mastery exam or is certified at  
10 4 level three by the national institute for certification in  
10 5 engineering technologies. A fire sprinkler maintenance worker  
10 6 license shall be issued to a person who possesses five years  
10 7 of employment experience as an apprentice sprinkler fitter, or  
10 8 to a fire extinguishing system contractor, who receives a  
10 9 passing score on the united association star fire sprinkler  
10 10 fitter mastery exam or who is certified at level three by the  
10 11 national institute for certification in engineering  
10 12 technologies in the maintenance and testing of sprinkler  
10 13 systems.

10 14 The bill specifies that any violation of any provision of  
10 15 the Code chapter constitutes a serious misdemeanor. A serious  
10 16 misdemeanor is punishable by confinement for no more than one  
10 17 year and a fine of at least \$315 but not more than \$1,875.  
10 18 The bill states that, in addition, the state fire marshal may  
10 19 impose a civil penalty or up to \$500 for each day a violation  
10 20 continues.

10 21 The bill provides for a temporary license as a fire  
10 22 sprinkler installer or a fire sprinkler maintenance worker.  
10 23 The bill provides that an applicant issued a temporary license  
10 24 pursuant to the bill must pass the licensure examination or  
10 25 achieve certification as required for permanent licensure on  
10 26 or before July 1, 2010, in order to remain licensed.  
10 27 Temporary licensure criteria and accompanying fees shall be  
10 28 determined by rule.

10 29 The bill provides for a "grandfathering" provision provided  
10 30 an applicant produces proof of prior experience and a passing  
10 31 score on the examination. The bill provides for reciprocal  
10 32 licensing with other states having fire sprinkler installer or  
10 33 fire sprinkler maintenance worker licensing.

10 34 The bill additionally provides, with reference to the  
10 35 certification of fire extinguishing system contractors in Code  
11 1 chapter 100C, that a contractor shall not perform fire  
11 2 protection system installation or maintenance as defined in  
11 3 new Code chapter 100D without obtaining a fire sprinkler  
11 4 installer or fire sprinkler maintenance worker license.

11 5 LSB 5775HC 82

11 6 jr/nh/5.2