

House File 2491 - Introduced

HOUSE FILE 2491
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 564)

A BILL FOR

1 An Act relating to the licensure of persons engaged in fire
2 protection system installation, maintenance, repair,
3 service, or inspection.

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

1 Section 1. Section 100C.6, subsection 4, Code Supplement
2 2009, is amended to read as follows:

3 4. Relieve any person engaged in fire ~~sprinkler protection~~
4 system installation, maintenance, repair, service, or
5 inspection as defined in section 100D.1 from obtaining a fire
6 ~~sprinkler protection system~~ installer and maintenance worker
7 license as required pursuant to chapter 100D.

8 Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code
9 Supplement 2009, are amended to read as follows:

10 1. "~~Apprentice sprinkler fitter~~" fire protection system
11 installer and maintenance worker" means a person who is
12 registered in an apprenticeship program approved by the
13 United States department of labor who is engaged in learning
14 the fire protection system industry trade under the direct
15 supervision of a responsible managing employee of a certified
16 fire extinguishing system contractor or licensed fire
17 ~~sprinkler protection system~~ installer and maintenance worker
18 ~~and who is registered with the United States department of~~
19 ~~labor, office of apprenticeship~~ other than a trainee.

20 5. "~~Fire protection system~~" means a sprinkler, standpipe,
21 hose system, special hazard system, dry systems, foam systems,
22 or any water-based fire protection system, either whether
23 engineered or pre-engineered and whether manual or
24 automatically activated, used for fire protection purposes
25 ~~that is composed of~~ which may include an integrated system of
26 underground and overhead piping and which may be connected to
27 a water source. ~~For licensing purposes only "fire protection~~
28 ~~system" does not include the water service piping to a structure~~
29 ~~or building from a city water main.~~

30 8. "~~Fire sprinkler protection system~~ installer and
31 maintenance worker" means a person who, having the necessary
32 qualifications, training, experience, and technical knowledge,
33 conducts fire protection system installation and maintenance,
34 and who is licensed by the department.

35 Sec. 3. Section 100D.1, Code Supplement 2009, is amended by

1 adding the following new subsections:

2 NEW SUBSECTION. 9. "*Responsible managing employee*" means
3 an owner, partner, officer, or manager employed full-time
4 by a fire extinguishing system contractor who is certified
5 by the national institute for certification in engineering
6 technologies at a level three in fire protection technology,
7 automatic sprinkler system layout, or another certification in
8 automatic sprinkler system layout recognized by rules adopted
9 by the fire marshal pursuant to section 100C.7 or who meets any
10 other criteria established by rule.

11 NEW SUBSECTION. 9A. "*Routine maintenance*" means the repair
12 or replacement of existing fire protection system components of
13 the same size and type for which no changes in configuration
14 are made, and does not include any new installation or the
15 expansion or extension of any existing fire protection system.

16 NEW SUBSECTION. 10. "*Trainee*" means a person who is engaged
17 in learning the fire protection system industry trade under
18 the direct supervision of a responsible managing employee of a
19 certified fire extinguishing system contractor or licensed fire
20 protection system installer and maintenance worker and who is
21 not registered with the United States department of labor.

22 Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement
23 2009, are amended to read as follows:

24 1. On or after January 1, 2010, a person shall not perform
25 fire protection system installations or fire protection
26 system maintenance without holding a current, valid fire
27 sprinkler protection system installer and maintenance worker
28 license issued pursuant to this chapter, with the following
29 exceptions:

30 a. An employee of a fire extinguishing system contractor
31 working as an apprentice sprinkler fitter fire protection
32 system installer and maintenance worker performing fire
33 protection system installation or maintenance under the
34 direct supervision of an on-site responsible managing employee
35 or licensed fire sprinkler protection system installer and

1 maintenance worker is not required to hold a current, valid
2 fire sprinkler protection system installer and maintenance
3 worker license.

4 ~~b. A person who installs or demolishes walls, ceilings,~~
5 ~~flooring, insulation, or associated materials or a person who~~
6 ~~demolishes sprinkler pipe fire protection system components is~~
7 not subject to the provisions of this chapter ~~except~~ when the
8 work involves a complete sprinkler system. A person is not
9 required to be licensed in order to demolish part of a system
10 or a partial system, provided that the system is taken out of
11 service. If a system is restored to service after having been
12 taken out of service, the restoration work must be performed
13 by a person licensed pursuant to this chapter or a responsible
14 managing employee.

15 c. A person who is a responsible managing employee of a
16 fire extinguishing system contractor is not required to hold a
17 current, valid fire sprinkler protection system installer and
18 maintenance worker license, in order to perform fire protection
19 system installations or maintenance.

20 d. A trainee who works at all times under the direct
21 supervision of a licensed fire protection system installer and
22 maintenance worker, other than an unclassified person, may
23 be licensed to work on either special hazard fire protection
24 systems, pre-engineered fire protection systems, or both, but
25 shall not be licensed to perform installation or maintenance on
26 an engineered water-based fire protection system. A trainee
27 license may be renewed once and a person may work as a trainee
28 for a maximum of four years.

29 2. A licensed fire sprinkler protection system installer
30 and maintenance worker must be present at all locations
31 and at all times when fire protection system installation
32 work is being performed. At least one licensed fire
33 sprinkler protection system installer and maintenance
34 worker must be present for every three apprentice sprinkler
35 fitters fire protection system installers and maintenance

1 workers or trainees performing work related to fire protection
2 system installation.

3 Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009,
4 is amended by striking the subsection.

5 Sec. 6. Section 100D.3, Code Supplement 2009, is amended to
6 read as follows:

7 **100D.3 Fire sprinkler protection system installer and**
8 **maintenance worker license.**

9 1. The state fire marshal shall issue a fire ~~sprinkler~~
10 protection system installer and maintenance worker license to
11 an applicant who meets all of the following requirements:

12 ~~a. Possesses a minimum of four years of employment~~
13 ~~experience as an apprentice sprinkler fitter.~~

14 ~~b. a.~~ Has completed a ~~United States department of~~
15 ~~labor~~ fire protection apprenticeship program approved by the
16 United States department of labor, or has completed two years
17 of full-time employment or the equivalent thereof as a trainee.

18 ~~c. b.~~ Is employed by a fire extinguishing system
19 contractor. However, an applicant whose work on extinguishing
20 systems will be restricted to systems on property owned or
21 controlled by the applicant's employer may obtain a license if
22 the employer is not a certified contractor.

23 ~~d. c.~~ Has received a passing score on the national
24 inspection, testing, and certification star fire sprinkler
25 mastery exam or on an equivalent exam from a nationally
26 recognized third-party testing agency that is approved by
27 the state fire marshal, or is certified at level one by
28 the national institute for certification in engineering
29 technologies ~~based on general work elements, as defined~~
30 ~~by the national institute for certification in engineering~~
31 ~~technologies,~~ and as specified by rule by the state fire
32 marshal, or is certified by another entity approved by the fire
33 marshal.

34 2. The holder of a fire ~~sprinkler~~ protection system
35 installer and maintenance worker license shall be responsible

1 for license fees, renewal fees, and continuing education hours.

2 3. The license of a fire sprinkler protection system
3 installer and maintenance worker licensee who ceases to be
4 employed by a fire extinguishing system contractor shall
5 continue to be valid until it would otherwise expire, but the
6 licensee shall not perform work requiring licensure under
7 this chapter until the licensee is again employed by a fire
8 extinguishing system contractor. If the licensee becomes
9 employed by a fire extinguishing system contractor other than
10 the contractor which employed the licensee at the time the
11 license was issued, the licensee shall notify the fire marshal
12 and shall apply for an amendment to the license. The fire
13 marshal may establish by rule a fee for amending a license.
14 This subsection shall not extend the time period during which a
15 license is valid. This subsection does not apply to a licensee
16 whose work on extinguishing systems is restricted to systems on
17 property owned or controlled by the licensee's employer.

18 4. The fire marshal, by rule, may restrict the scope of work
19 authorized by a license.

20 Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement
21 2009, are amended to read as follows:

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

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

1 ~~sprinkler~~ protection system installer and maintenance worker
2 work performed by the entity.

3 Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009,
4 is amended to read as follows:

5 1. ~~Adopt~~ After consultation with the fire extinguishing
6 system contractors and alarm systems advisory board established
7 pursuant to section 100C.10, adopt rules pursuant to chapter
8 17A necessary for the administration and enforcement of this
9 chapter.

10 Sec. 9. Section 100D.8, Code Supplement 2009, is amended to
11 read as follows:

12 **100D.8 Provisional licensure.**

13 1. An applicant for licensure under this chapter as a fire
14 ~~sprinkler~~ protection system installer and maintenance worker
15 who possesses a minimum of four years of experience as an
16 apprentice ~~sprinkler-fitter~~ fire protection system installer
17 and maintenance worker and who has not successfully passed the
18 licensure examination or achieved certification as required
19 pursuant to section 100D.3 by January 1, 2010, shall be issued
20 a license as a fire ~~sprinkler~~ protection system installer and
21 maintenance worker for a period ending no later than ~~June~~
22 ~~30~~ December 31, 2010. A provisional license shall be granted
23 upon presentation of satisfactory evidence to the fire marshal
24 demonstrating experience and competency in conducting fire
25 protection system installations and fire protection system
26 maintenance according to criteria to be determined by the fire
27 marshal in rule.

28 2. An applicant issued a provisional license pursuant
29 to this section shall pass the licensure examination or
30 achieve certification on or before ~~June 30~~ December 31, 2010,
31 in order to remain licensed as a fire ~~sprinkler~~ protection
32 system installer and maintenance worker. A provisional license
33 fee shall be established by the fire marshal by rule. No
34 provisional licenses shall be issued after ~~April~~ July 1, 2010.

35 Sec. 10. Section 100D.9, subsection 1, Code Supplement

1 2009, is amended to read as follows:

2 1. An applicant for licensure under this chapter, who
3 is employed as a fire ~~sprinkler~~ protection system installer
4 and maintenance worker as of July 1, 2008, shall be issued
5 a license upon presentation of satisfactory evidence to the
6 department of at least eight thousand five hundred hours of
7 experience as a fire ~~sprinkler~~ protection system installer and
8 maintenance worker and one of the following:

9 a. Presentation of a certificate of completion of a ~~United~~
10 ~~States department of labor, office of apprenticeship,~~ four-year
11 or five-year protection system apprenticeship program, approved
12 by the United States department of labor.

13 b. A passing score on the national inspection, testing and
14 certification star fire sprinkler mastery exam or an equivalent
15 exam from a nationally recognized third-party testing agency
16 that is approved by the state fire marshal.

17 c. ~~Certification, based upon general work elements,~~
18 ~~as defined by the national institute for certification in~~
19 ~~engineering technologies, at level I by the national institute~~
20 ~~for certification in engineering technologies, and~~ or another
21 entity as specified by rule by the state fire marshal.

22 Sec. 11. Section 100D.10, Code Supplement 2009, is amended
23 to read as follows:

24 **100D.10 Reciprocal licenses.**

25 To the extent that another state provides for the licensing
26 of fire ~~sprinkler~~ protection system installers and maintenance
27 workers or similar action, the state fire marshal may issue
28 a fire ~~sprinkler~~ protection system installer and maintenance
29 worker license, without examination, to a nonresident fire
30 ~~sprinkler~~ protection system installer and maintenance worker
31 who has been licensed by such other state for at least three
32 years provided such other state grants the same reciprocal
33 licensing privileges to residents of Iowa who have obtained
34 a fire ~~sprinkler~~ protection system installer and maintenance
35 worker license upon payment by the applicant of the required

1 fee and upon furnishing proof that the qualifications of the
2 applicant are equal to the qualifications of holders of similar
3 licenses in this state.

4 Sec. 12. Section 100D.11, subsection 2, Code Supplement
5 2009, is amended to read as follows:

6 2. The provisions of this chapter shall not be construed
7 to apply to a person ~~employed full time as a custodian for a~~
8 ~~school corporation, hospital, or public facility, who performs~~
9 ~~fire sprinkler maintenance work involving no more than one~~
10 ~~sprinkler head or nozzle~~ only performing routine maintenance.

11 Sec. 13. Section 100D.13, subsection 1, unnumbered
12 paragraph 1, Code Supplement 2009, is amended to read as
13 follows:

14 The state fire marshal may issue a temporary fire
15 sprinkler protection system installer and maintenance worker
16 license to a person, providing that all of the following
17 conditions are met:

18 Sec. 14. Section 100D.13, subsection 1, paragraphs a and e,
19 Code Supplement 2009, are amended to read as follows:

20 a. The person is currently licensed or certified to perform
21 work as a fire sprinkler protection system installer and
22 maintenance worker in another state.

23 e. The person intends to perform work as a fire
24 sprinkler protection system installer and maintenance worker
25 only in areas of this state which are covered by a disaster
26 emergency declaration issued by the governor pursuant to
27 section 29C.6.

28 Sec. 15. Section 272C.1, subsection 6, paragraph af, Code
29 Supplement 2009, is amended to read as follows:

30 af. The department of public safety, in licensing fire
31 sprinkler protection system installers and maintenance workers
32 pursuant to chapter 100D.

33 EXPLANATION

34 Under current law, persons who perform fire protection
35 system installation or fire protection system maintenance must

1 be licensed as a fire sprinkler installer and maintenance
2 worker. This bill changes that designation to fire protection
3 system installer and maintenance worker.

4 The bill also revises apprenticeship requirements for
5 trainees. The bill eliminates references to a four-year
6 apprenticeship and instead requires completion of a fire
7 protection apprenticeship program approved by the United States
8 department of labor, or completion of two years of full-time
9 employment as a trainee. Under the bill the fire marshal, by
10 rule, may restrict the scope of work authorized by a license.

11 The bill eliminates a current provision which allows a
12 governmental subdivision that administers an inspection program
13 relating to the installation of a fire protection system on
14 July 31, 2009, to continue that inspection program.

15 The bill provides that persons who demolish part of a system
16 do not need to be licensed, if the system is taken out of
17 service. The bill also allows a company manager to supervise
18 the work of an apprentice or to perform system restoration
19 work, if the manager is certified in fire protection
20 technology.

21 The bill eliminates current language which exempts from the
22 Code chapter custodians in schools, hospitals, and government
23 facilities performing sprinkler maintenance. The bill adds a
24 general exemption for routine maintenance.

25 The bill extends the period for temporary licensure, pending
26 passage of the examination, from June 30, 2010, to December 31,
27 2010.