

House File 400 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 18)

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

A BILL FOR

1 An Act relating to the licensing of persons installing fire
2 protection systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1571HV 83
5 jr/nh/14

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1 1 Section 1. 2008 Iowa Acts, chapter 1094, section 2,
1 2 subsection 1, is amended to read as follows:
1 3 1. "Apprentice sprinkler fitter" means a person who, ~~as a~~
1 4 ~~principal occupation,~~ is engaged in learning the fire
1 5 protection system industry trade under the direct supervision
1 6 of a certified fire extinguishing system contractor or
1 7 licensed fire sprinkler installer and maintenance worker and
1 8 who is registered with the United States department of labor,
1 9 office of apprenticeship.
1 10 Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is
1 11 amended by adding the following new subsection:
1 12 NEW SUBSECTION. 2A. "Division" means division of the
1 13 state fire marshal in the department.
1 14 Sec. 3. 2008 Iowa Acts, chapter 1094, section 2,
1 15 subsection 7, is amended to read as follows:
1 16 7. "Fire sprinkler installer and maintenance worker" means
1 17 a person who, ~~as a principal occupation, and~~ having the
1 18 necessary qualifications, training, experience, and technical
1 19 knowledge, conducts fire protection system installation and
1 20 maintenance, and who is licensed by the department.
1 21 Sec. 4. 2008 Iowa Acts, chapter 1094, section 3,
1 22 subsection 1, is amended to read as follows:
1 23 1. ~~On or after January 1, 2010,~~ a person shall not
1 24 perform fire protection system installations or fire
1 25 protection system maintenance without ~~first obtaining holding~~
1 26 a current, valid fire protection sprinkler installer and
1 27 maintenance worker license issued pursuant to this chapter.
1 28 a. An employee of a fire extinguishing system contractor
1 29 working as an apprentice sprinkler fitter performing fire
1 30 protection system installation or maintenance under the direct
1 31 supervision of an on-site licensed fire sprinkler installer
1 32 and maintenance worker is not required to ~~obtain hold~~ a
1 33 current, valid fire sprinkler installer and maintenance worker
1 34 license.
1 35 b. A person who installs or demolishes walls, ceilings,
2 1 flooring, insulation, or associated materials or a person who
2 2 demolishes sprinkler pipe is not subject to the provisions of
2 3 this chapter except when the work involves a complete
2 4 sprinkler system.
2 5 c. A person who is a responsible managing employee of a
2 6 fire extinguishing system contractor is not required to hold a
2 7 current, valid fire sprinkler installer and maintenance worker
2 8 license.
2 9 Sec. 5. 2008 Iowa Acts, chapter 1094, section 3,
2 10 subsection 5, is amended by striking the subsection.
2 11 Sec. 6. 2008 Iowa Acts, chapter 1094, section 3,
2 12 subsection 2, is amended to read as follows:
2 13 2. A licensed fire sprinkler installer and maintenance
2 14 worker must be present at all locations and at all times when
2 15 fire protection system installation work is being performed.
2 16 At least one licensed fire sprinkler installer and maintenance
2 17 worker must be present for every three apprentice sprinkler

2 18 fitters, or any other employees performing work related to
2 19 fire protection system installation.
2 20 Sec. 7. 2008 Iowa Acts, chapter 1094, section 3,
2 21 subsection 6, is amended to read as follows:
2 22 6. On and after ~~August 1, 2009~~ January 1, 2010, a
2 23 governmental subdivision shall not issue a license to a person
2 24 installing a fire protection system and shall not prohibit a
2 25 person installing fire protection systems and licensed
2 26 pursuant to this chapter from performing services for which
2 27 that person is licensed pursuant to this chapter or enforce
2 28 any licensing provisions promulgated by the governmental
2 29 subdivision against a person licensed pursuant to this
2 30 chapter.

2 31 Sec. 8. 2008 Iowa Acts, chapter 1094, section 4, is
2 32 amended to read as follows:

2 33 SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE
2 34 WORKER LICENSE.

2 35 1. The state fire marshal shall issue a fire sprinkler
3 1 installer and maintenance worker license to an applicant who
3 2 ~~possesses~~ meets all of the following requirements:

3 3 a. Possesses a minimum of four years of employment
3 4 experience as an apprentice sprinkler fitter and

3 5 b. Has completed a United States department of labor
3 6 apprenticeship program and is

3 7 c. Is employed by a fire extinguishing system contractor
3 8 ~~who either receives~~

3 9 d. Has received a passing score on the national
3 10 inspection, testing, and certification star fire sprinkler
3 11 mastery exam or on an equivalent exam from a nationally
3 12 recognized third-party testing agency that is approved by the
3 13 state fire marshal, or ~~who~~ is certified at level one by the
3 14 national institute for certification in engineering
3 15 technologies based on general work elements, as defined by the
3 16 national institute for certification in engineering
3 17 technologies, and as specified by rule by the state fire
3 18 marshal.

3 19 2. The holder of a fire sprinkler installer and
3 20 maintenance worker license shall be responsible for license
3 21 fees, renewal fees, and continuing education hours.

3 22 3. The license of a fire sprinkler installer and
3 23 maintenance worker licensee who ceases to be employed by a
3 24 fire extinguishing system contractor shall continue to be
3 25 valid until it would otherwise expire, but the licensee shall
3 26 not perform work requiring licensure under this chapter until
3 27 the licensee is again employed by a fire extinguishing system
3 28 contractor. If the licensee becomes employed by a fire
3 29 extinguishing system contractor other than the contractor
3 30 which employed the licensee at the time the license was
3 31 issued, the licensee shall notify the fire marshal and shall
3 32 apply for an amendment to the license. The fire marshal may
3 33 establish by rule a fee for amending a license. This
3 34 subsection shall not extend the time period during which a
3 35 license is valid.

4 1 Sec. 9. 2008 Iowa Acts, chapter 1094, section 5,
4 2 subsections 1 and 3, are amended to read as follows:

4 3 1. An applicant for a fire sprinkler installer and
4 4 maintenance worker license or renewal of an active license
4 5 shall provide evidence of a public liability insurance policy
4 6 and surety bond in an amount determined sufficient by the
4 7 ~~department~~ fire marshal by rule.

4 8 3. The insurance and surety bond shall be written by an
4 9 entity licensed to do business in this state and each licensee
4 10 shall maintain on file with the department a certificate
4 11 evidencing the insurance providing that the insurance or
4 12 surety bond shall not be canceled without the entity first
4 13 giving fifteen days written notice to the ~~department~~ fire
4 14 marshal.

4 15 Sec. 10. 2008 Iowa Acts, chapter 1094, section 6,
4 16 subsection 5, is amended to read as follows:

4 17 5. Adopt rules specifying a violation reporting procedure
4 18 ~~applicable to division employees, deputy fire marshals,~~
4 19 ~~division inspectors, and municipal fire departments.~~

4 20 Sec. 11. 2008 Iowa Acts, chapter 1094, section 9, is
4 21 amended to read as follows:

4 22 SEC. 9. NEW SECTION. 100D.8 TEMPORARY PROVISIONAL
4 23 LICENSURE.

4 24 1. An applicant for licensure under this chapter as a fire
4 25 sprinkler installer and maintenance worker who possesses a
4 26 minimum of four years of experience as an apprentice sprinkler
4 27 fitter and who has not successfully passed the licensure
4 28 examination or achieved certification as required pursuant to

4 29 section 100D.3 by ~~August 1, 2009~~ January 1, 2010, shall be
4 30 issued a ~~temporary~~ license as a fire sprinkler installer and
4 31 maintenance worker for a period of ~~sixty days commencing~~
4 32 ~~August 1, 2009 ending no later than June 30, 2010~~. A
4 33 ~~temporary~~ provisional license shall be granted upon
4 34 presentation of satisfactory evidence to the ~~department fire~~
4 35 ~~marshal~~ demonstrating experience and competency in conducting
5 1 fire protection system installations and fire protection
5 2 system maintenance according to criteria to be determined by
5 3 the ~~department fire marshal~~ in rule. ~~A temporary license~~
5 4 ~~shall not be renewed.~~

5 5 2. An applicant issued a ~~temporary~~ provisional license
5 6 pursuant to this section shall pass the licensure examination
5 7 or achieve certification on or before ~~February 1~~ June 30,
5 8 2010, in order to remain licensed as a fire sprinkler
5 9 installer and maintenance worker. A ~~temporary~~ provisional
5 10 license fee shall be established by the ~~department fire~~
5 11 ~~marshal~~ by rule. ~~No temporary provisional licenses will shall~~
5 12 ~~be issued after February~~ April 1, 2010.

5 13 Sec. 12. 2008 Iowa Acts, chapter 1094, section 10,
5 14 subsections 2 and 3, are amended to read as follows:

5 15 2. A passing score on the national inspection, testing and
5 16 certification star fire sprinkler mastery exam or an
5 17 equivalent exam from a nationally recognized third-party
5 18 testing agency that is approved by the state fire marshal.

5 19 3. ~~A passing score on the NICET level I examination.~~
5 20 Certification, based upon general work elements, as defined by
5 21 the national institute for certification in engineering
5 22 technologies, at level I by the national institute for
5 23 certification in engineering technologies, and as specified by
5 24 rule by the state fire marshal.

5 25 Sec. 13. 2008 Iowa Acts, chapter 1094, section 10, is
5 26 amended by adding the following new unnumbered paragraph:
5 27 NEW UNNUMBERED PARAGRAPH. After July 31, 2012, a person
5 28 licensed pursuant to this section shall renew or obtain a
5 29 license pursuant to section 100D.3.

5 30 Sec. 14. 2008 Iowa Acts, chapter 1094, section 12, is
5 31 amended by adding the following new subsection:

5 32 NEW SUBSECTION. 3. The provisions of this chapter shall
5 33 not be construed to apply to a person licensed as a plumber
5 34 pursuant to chapter 105 who is working within the scope of the
5 35 person's license.

6 1 Sec. 15. 2008 Iowa Acts, chapter 1094, is amended by
6 2 adding the following new section after section 13:

6 3 SEC. ____ NEW SECTION. 100D.13 TEMPORARY LICENSES.

6 4 1. The state fire marshal may issue a temporary fire
6 5 sprinkler installer and maintenance worker license to a
6 6 person, providing that all of the following conditions are
6 7 met:

6 8 a. The person is currently licensed or certified to
6 9 perform work as a fire sprinkler installer and maintenance
6 10 worker in another state.

6 11 b. The person meets any additional criteria for a
6 12 temporary license established by the state fire marshal by
6 13 rule.

6 14 c. The person provides all information required by the
6 15 state fire marshal.

6 16 d. The person has paid the fee for a temporary license,
6 17 which fee shall be established by the state fire marshal by
6 18 rule.

6 19 e. The person intends to perform work as a fire sprinkler
6 20 installer and maintenance worker only in areas of this state
6 21 which are covered by a disaster emergency declaration issued
6 22 by the governor pursuant to section 29C.6.

6 23 2. A temporary license issued pursuant to this section
6 24 shall be valid for ninety days. The state fire marshal may
6 25 establish criteria and procedures for the extension of such
6 26 licenses for additional periods, which in no event shall
6 27 exceed ninety days.

6 28 3. A temporary license shall be valid only in areas of the
6 29 state which are subject to a disaster emergency declaration
6 30 issued by the governor pursuant to section 29C.6 at the time
6 31 at which the license is issued, which become subject to such a
6 32 declaration during the time the license is valid, or which
6 33 were subject to such a declaration issued within the six
6 34 months preceding the issuance of the license.

6 35 EXPLANATION

7 1 In 2008, the general assembly enacted House File 2646 to
7 2 license persons performing fire protection system
7 3 installations or fire protection system maintenance. This
7 4 bill amends that Act, which takes effect August 1, 2009. The

7 5 bill eliminates a requirement limiting licensure to only those
7 6 working in the business "as a principal occupation"; this
7 7 change requires licensure for those working only part-time in
7 8 the profession. The bill requires persons to obtain a state
7 9 license by January 1, 2010, and prohibits local jurisdictions
7 10 from issuing a license after that date.

7 11 The bill provides that the term "division" means the
7 12 division of state fire marshal in the department of public
7 13 safety.

7 14 The bill clarifies certain testing requirements including
7 15 by specifying that required examinations must relate to fire
7 16 protection technologies and provides that examinations must be
7 17 approved by the fire marshal.

7 18 The bill provides that a person licensed as a fire
7 19 sprinkler installer and maintenance worker must be employed by
7 20 a fire extinguishing system contractor. If the licensee
7 21 changes employers the license must be amended.

7 22 The bill provides that after July 31, 2012, a person
7 23 licensed pursuant to the transition provisions in new Code
7 24 chapter 100D shall renew or obtain a license pursuant to the
7 25 regular licensure requirements in that chapter.

7 26 The bill exempts a licensed plumber, who is working within
7 27 the scope of a plumber's license, from the requirements of
7 28 this chapter.

7 29 The bill provides for a temporary 90-day license for
7 30 persons licensed in another who enter Iowa to work during a
7 31 disaster emergency.

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