

CHAPTER 1094REGULATION AND LICENSURE OF
FIRE PROTECTION SYSTEM INSTALLATION AND MAINTENANCE

H.F. 2646

AN ACT providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 100C.6, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Relieve any person engaged in fire sprinkler installation, maintenance, repair, service, or inspection as defined in section 100D.1 from obtaining a fire sprinkler installer or fire sprinkler maintenance worker as required pursuant to chapter 100D.¹

Sec. 2. NEW SECTION. 100D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Apprentice sprinkler fitter" means a person who, as a principal occupation, is engaged in learning the fire protection system industry trade under the direct supervision of a certified fire extinguishing system contractor or licensed fire sprinkler installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship.

2. "Department" means the department of public safety.

3. "Fire extinguishing system contractor" means a person or persons engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, service, alteration, addition, testing, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state, as defined in section 100C.1, and who is certified pursuant to chapter 100C.

4. "Fire protection system" means a sprinkler, standpipe, hose system, special hazard system, dry systems, foam systems, or any water-based fire protection system, either manual or automatically activated, used for fire protection purposes that is composed of an integrated system of underground and overhead piping connected to a water source. For licensing purposes only "fire protection system" does not include the water service piping to a structure or building from a city water main.

5. "Fire protection system installation" means to set up or establish for use in an indicated space a fire protection system.

6. "Fire protection system maintenance" means to provide repairs, including all inspections and tests, required to keep a fire protection system and its component parts in an operative condition at all times, and the replacement of the system or its component parts when they become undependable or inoperable.

7. "Fire sprinkler installer and maintenance worker" means a person who, as a principal occupation, and having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department.

Sec. 3. NEW SECTION. 100D.2 LICENSE REQUIRED.

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

a. An employee of a fire extinguishing system contractor working as an apprentice sprinkler fitter performing fire protection system installation or maintenance under the direct supervision of an on-site licensed fire sprinkler installer and maintenance worker is not required to obtain a fire sprinkler installer and maintenance worker license.

¹ See chapter 1191, §123 herein

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes sprinkler pipe is not subject to the provisions of this chapter except when the work involves a complete sprinkler system.

2. A licensed fire sprinkler installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire sprinkler installer and maintenance worker must be present for every three apprentice sprinkler fitters, or any other employees performing work related to fire protection system installation.

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

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

5. An applicant for a license issued under this chapter, excluding an applicant for license renewal, shall be subject to a national criminal history check through the federal bureau of investigation. The applicant shall provide fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. Fees for the national criminal history check shall be paid by the applicant. The results of a criminal history check conducted pursuant to this subsection shall not be considered a public record under chapter 22.

6. On and after August 1, 2009, a governmental subdivision shall not issue a license to a person installing a fire protection system and shall not prohibit a person installing fire protection systems and licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

7. A governmental subdivision that administers an inspection program relating to the installation of a fire protection system on July 31, 2009, may continue that inspection program.

Sec. 4. NEW SECTION. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE WORKER LICENSE.

The state fire marshal shall issue a fire sprinkler installer and maintenance worker license to an applicant who possesses a minimum of four years of employment experience as an apprentice sprinkler fitter and completed a United States department of labor apprenticeship program and is employed by a fire extinguishing system contractor, who either receives a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency, or who is certified at level one by the national institute for certification in engineering technologies. The holder of a fire sprinkler installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

Sec. 5. NEW SECTION. 100D.4 INSURANCE AND SURETY BOND REQUIREMENTS.

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

2. If the applicant is engaged in fire sprinkler installer and maintenance worker work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant is engaged in the fire sprinkler installer and maintenance worker business as an employee or owner of a legal entity, then the insurance and surety bond required by this section shall be obtained by the entity and shall cover all fire sprinkler installer and maintenance worker work performed by the entity.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the department.

Sec. 6. NEW SECTION. 100D.5 ADMINISTRATION — RULES — SUSPENSION AND REVOCATION.

The state fire marshal shall do all of the following:

1. Adopt rules pursuant to chapter 17A necessary for the administration and enforcement of this chapter.
2. Revoke, suspend, or refuse any license granted pursuant to this chapter when the licensee fails or refuses to pay an examination, license, or renewal fee required by law or when the licensee is guilty of any of the following acts or omissions:
 - a. Fraud in procuring a license.
 - b. Professional incompetence.
 - c. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
 - d. Habitual intoxication or addiction to the use of drugs.
 - e. Conviction of a felony related to the profession or occupation of the licensee. A copy or the record of conviction or plea of guilty shall be conclusive evidence.
 - f. Fraud in representation as to skill or ability.
 - g. Use of untruthful or improbable statements in advertisements.
 - h. Willful or repeated violations of the provisions of this chapter.
3. Adopt rules for continuing education requirements, which shall include, at a minimum, completion of sixteen credit hours of instruction per licensure period relating to updates in fire protection system installation and maintenance.
4. Adopt rules regarding license application forms, examination procedures, and license application and renewal fees.
5. Adopt rules specifying a violation reporting procedure applicable to division employees, deputy fire marshals, division inspectors, and municipal fire departments.

Sec. 7. NEW SECTION. 100D.6 PENALTIES.

The state fire marshal may impose a civil penalty of up to five hundred dollars on any person who violates any provision of this chapter for each day a violation continues. The state fire marshal may adopt rules necessary to enforce and collect any penalties imposed pursuant to this chapter.

Sec. 8. NEW SECTION. 100D.7 DEPOSIT AND USE OF MONEYS COLLECTED.

1. The state fire marshal shall set the license fees and renewal fees for all licenses issued pursuant to this chapter, by rule, based upon the actual costs of licensing.
2. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the division of state fire marshal in the department of public safety and such fees received shall be used exclusively to offset the costs of administering this chapter.
3. Notwithstanding section 8.33, fees collected by the division of state fire marshal that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 9. NEW SECTION. 100D.8 TEMPORARY LICENSURE.

1. An applicant for licensure under this chapter as a fire sprinkler installer and maintenance worker who possesses a minimum of four years of experience as an apprentice sprinkler fitter and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by August 1, 2009, shall be issued a temporary license as a fire sprinkler installer and maintenance worker for a period of sixty days commencing August 1, 2009. A temporary license shall be granted upon presentation of satisfactory evidence to the department demonstrating experience and competency in conducting fire protection system installations and fire protection system maintenance according to criteria to be determined by the department in rule. A temporary license shall not be renewed.

2. An applicant issued a temporary license pursuant to this section shall pass the licensure examination or achieve certification on or before February 1, 2010, in order to remain licensed as a fire sprinkler installer and maintenance worker. A temporary license fee shall be established by the department by rule. No temporary licenses will be issued after February 1, 2010.

Sec. 10. NEW SECTION. 100D.9 TRANSITION PROVISIONS.

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

1. Presentation of a certificate of completion of a United States department of labor, office of apprenticeship, four-year or five-year apprenticeship program.
2. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency.
3. A passing score on the NICET level I examination.

Sec. 11. NEW SECTION. 100D.10 RECIPROCAL LICENSES.

To the extent that another state provides for the licensing of fire sprinkler installers and maintenance workers or similar action, the state fire marshal may issue a fire sprinkler installer and maintenance worker license, without examination, to a nonresident fire sprinkler installer and maintenance worker who has been licensed by such other state for at least three years provided such other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained a fire sprinkler installer and maintenance worker license upon payment by the applicant of the required fee and upon furnishing proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in this state.

Sec. 12. NEW SECTION. 100D.11 APPLICABILITY.

1. The provisions of this chapter shall not be construed to apply to a person licensed as an engineer pursuant to chapter 542B who provides consultation or develops plans or other work concerning the installation or design of fire protection systems.
2. The provisions of this chapter shall not be construed to apply to a person employed full time as a custodian for a school corporation, hospital, or public facility, who performs fire sprinkler maintenance work involving no more than one sprinkler head or nozzle.

Sec. 13. NEW SECTION. 100D.12 LOCAL LICENSING PROVISIONS.

On and after August 1, 2009, a governmental subdivision shall not prohibit a person licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any additional licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 14. Section 272C.1, subsection 6, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. ae. The department of public safety, in licensing fire sprinkler installers and maintenance workers pursuant to chapter 100D.

Sec. 15. Section 272C.3, subsection 2, paragraph a, Code Supplement 2007, is amended to read as follows:

- a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 100D.5, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 16. Section 272C.4, subsection 6, Code Supplement 2007, is amended to read as follows:

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under section 100D.5, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of section 272C.3, subsection 2, paragraph “b”, which licensees are required to report to the board pursuant to section 272C.9, subsection 2;

Sec. 17. Section 272C.5, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections 100D.5, 147.58 through 147.71, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

Sec. 18. EFFECTIVE DATE. This Act takes effect on August 1, 2009.

Approved April 16, 2008

CHAPTER 1095

IMPACT OF LEGISLATION AND STATE GRANTS ON MINORITIES — STATEMENTS

H.F. 2393

AN ACT providing requirements for minority impact statements in relation to state grant applications and correctional impact statements for legislation, and providing effective and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2.56, subsection 1, Code 2007, is amended to read as follows:

1. Prior to debate on the floor of a chamber of the general assembly, a correctional impact statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation on minorities, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters. The statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.

Sec. 2. Section 2.56, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The legislative services agency in cooperation with the division of criminal and juvenile justice planning of the department of human rights shall develop a protocol for analyzing the impact of the legislation on minorities.