

Bradley, Chair  
Garman  
T. Taylor

HSB 122

STATE GOVERNMENT  
Succeeded By  
HOUSE FILE \_\_\_\_\_ SF (HF) 580  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL 2588  
BY CHAIRPERSON METCALF)

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

A BILL FOR

1 An Act providing for the regulation of fire protection systems  
2 and personnel, making an appropriation, and providing civil  
3 and criminal penalties.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1 Section 1. Section 100.39, unnumbered paragraph 1, Code  
2 2001, is amended to read as follows:

3 All buildings approved for construction after July 1, 1998,  
4 that exceed four stories in height, or seventy-five feet above  
5 grade, shall require the installation of an approved automatic  
6 fire extinguishing system designed and installed in conformity  
7 with rules ~~promulgated~~ adopted by the state fire marshal  
8 pursuant to this chapter and chapter 100C.

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

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

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

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

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

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

1 protection system which is separate from the domestic water  
2 system is considered the water-based fire protection system.

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

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

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

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

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

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

29 2. A water-based fire protection system contractor may  
30 apply to the state fire marshal for a contractor certificate.  
31 The application shall be made on a form prescribed by the  
32 state fire marshal and shall include a certificate fee in an  
33 amount determined by the state fire marshal by rule. Each  
34 applicant must designate a responsible managing employee, and  
35 may include a qualified alternate or alternates, on the

1 application, and the name of the responsible managing employee  
2 and alternates shall appear on the certificate with that of  
3 the water-based fire protection system contractor upon  
4 issuance of the certificate. Proof of insurance as required  
5 by section 100C.4 shall also accompany the application.

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

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

22 5. A responsible managing employee may act as a  
23 responsible managing employee for only one water-based fire  
24 protection system contractor at a time. If a responsible  
25 managing employee terminates the responsible managing  
26 employee's association with a water-based fire protection  
27 system contractor, the water-based fire protection system  
28 contractor shall notify the state fire marshal within thirty  
29 days after termination. The responsible managing employee  
30 shall not be designated as the responsible managing employee  
31 for more than two water-based fire protection system  
32 contractors in any twelve-month period. The state fire  
33 marshal shall revoke the certificate of a water-based fire  
34 protection system contractor whose responsible managing  
35 employee has terminated the responsible managing employee's

1 association with the water-based fire protection system  
2 contractor unless the water-based fire protection system  
3 contractor has included a qualified alternate on the  
4 application or an application designating a new responsible  
5 managing employee is filed within six months after  
6 termination.

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

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

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

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

16 1. Relieve any person from payment of a local permit or  
17 building fee.

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

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

26 1. A person who violates any provision of this chapter is  
27 guilty of a simple misdemeanor.

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

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

35 Any moneys or fees collected pursuant to this chapter by

1 the state fire marshal shall be deposited in the general fund  
2 of the state and the moneys are appropriated to the office of  
3 the state fire marshal for the purpose of administering this  
4 chapter.

5

EXPLANATION

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

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

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

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

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

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

122

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

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

- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

MAR 21 2002  
APPROPRIATIONS CALENDAR

HOUSE FILE 2588  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 580)  
(SUCCESSOR TO HSB 122)

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

**A BILL FOR**

1 An Act providing for the regulation of fire protection systems  
2 and personnel, making an appropriation, and providing civil  
3 and criminal penalties.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

HF 2588

1 Section 1. Section 100.39, unnumbered paragraph 1, Code  
2 2001, is amended to read as follows:

3 All buildings approved for construction after July 1, 1998,  
4 that exceed four stories in height, or seventy-five feet above  
5 grade, shall require the installation of an approved automatic  
6 fire extinguishing system designed and installed in conformity  
7 with rules ~~promulgated~~ adopted by the state fire marshal  
8 pursuant to this chapter and chapter 100C.

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

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

12 1. "Responsible managing employee" means an individual  
13 employed full-time by a water-based fire protection system  
14 contractor who is an owner, partner, or officer or in a  
15 management position with such a contractor, or is a registered  
16 architect, licensed professional engineer, or person certified  
17 by the national institute for certification in engineering  
18 technologies at level III or level IV in fire protection  
19 technology, automatic sprinkler system layout, or another  
20 nationally recognized certification in automatic sprinkler  
21 system layout recognized by the state fire marshal.

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

34 Water-based fire protection systems include wet-pipe  
35 systems, dry-pipe systems, foam-water systems, pre-action

1 systems, deluge systems, water mist systems, combined dry pipe  
2 and pre-action systems, fire pumps, fire protection water  
3 storage tanks, antifreeze systems, and circulating closed-loop  
4 systems.

5 3. "Water-based fire protection system contractor" means a  
6 person engaged in the business of installation, repair,  
7 alteration, maintenance, or postconstruction inspection of  
8 water-based fire protection systems but does not include an  
9 individual employed by or working under the direction of such  
10 a contractor.

11 Sec. 3. NEW SECTION. 100C.2 ADMINISTRATION -- RULES.

12 The state fire marshal shall administer this chapter and  
13 may adopt rules pursuant to chapter 17A which the state fire  
14 marshal considers necessary to such administration.

15 Sec. 4. NEW SECTION. 100C.3 CONTRACTOR CERTIFICATE --  
16 APPLICATION -- FEE -- RENEWAL.

17 1. A water-based fire protection system contractor who  
18 installs, repairs, alters, maintains, or provides  
19 postconstruction inspection services in this state shall  
20 obtain a contractor certificate as provided in this chapter.

21 2. A water-based fire protection system contractor may  
22 apply to the state fire marshal for a contractor certificate.  
23 The application shall be made on a form prescribed by the  
24 state fire marshal and shall include a certificate fee not to  
25 exceed two hundred fifty dollars. Each applicant must  
26 designate a responsible managing employee, and may include a  
27 qualified alternate or alternates, on the application, and the  
28 name of the responsible managing employee and alternates shall  
29 appear on the certificate with that of the water-based fire  
30 protection system contractor upon issuance of the certificate.  
31 Proof of insurance as required by section 100C.4 shall also  
32 accompany the application.

33 3. Within thirty days of the receipt by the state fire  
34 marshal of a completed application, proof of insurance, and  
35 the certification fee, the state fire marshal shall issue a

1 certificate to the water-based fire protection system  
2 contractor.

3 4. A certificate shall expire on June 30 of the second  
4 year following issuance. An application form for renewal for  
5 an additional two-year period shall be filed at least thirty  
6 days prior to expiration on a form prescribed by the state  
7 fire marshal and shall be accompanied by a renewal fee not to  
8 exceed one hundred fifty dollars and a sworn affidavit that  
9 the responsible managing employee is currently employed by the  
10 water-based fire protection system contractor. A water-based  
11 fire protection system contractor who fails to apply for the  
12 renewal within the time stated in this subsection must make a  
13 new application for a certificate.

14 5. A responsible managing employee may act as a  
15 responsible managing employee for only one water-based fire  
16 protection system contractor at a time. If a responsible  
17 managing employee terminates the responsible managing  
18 employee's association with a water-based fire protection  
19 system contractor, the water-based fire protection system  
20 contractor shall notify the state fire marshal within thirty  
21 days after termination. The responsible managing employee  
22 shall not be designated as the responsible managing employee  
23 for more than three water-based fire protection system  
24 contractors in any twelve-month period. The state fire  
25 marshal shall revoke the certificate of a water-based fire  
26 protection system contractor whose responsible managing  
27 employee has terminated the responsible managing employee's  
28 association with the water-based fire protection system  
29 contractor unless the water-based fire protection system  
30 contractor has included a qualified alternate on the  
31 application or an application designating a new responsible  
32 managing employee is filed on a form prescribed by the state  
33 fire marshal within three months after termination.

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

35 A water-based fire protection system contractor shall

1 maintain general and completed operations liability insurance  
2 for the installation, repair, alteration, maintenance, and  
3 postconstruction inspection of water-based fire protection  
4 systems providing at least one million dollars of coverage.

5 Sec. 6. NEW SECTION. 100C.5 APPLICABILITY -- EXCEPTIONS.

6 This chapter shall not apply to a person licensed as a  
7 professional engineer or registered as an architect in this  
8 state who is qualified to perform water-based fire protection  
9 engineering or architectural services.

10 Sec. 7. NEW SECTION. 100C.6 PENALTIES.

11 1. A person who violates any provision of this chapter is  
12 guilty of a simple misdemeanor.

13 2. The state fire marshal may impose a civil penalty of up  
14 to two hundred fifty dollars on a person who violates any  
15 provision of this chapter for each day a violation occurs. A  
16 violation of any provision of this chapter shall also

17 constitute grounds for revocation of a contractor certificate.

18 Sec. 8. NEW SECTION. 100C.7 DEPOSIT AND USE OF MONEYS  
19 COLLECTED.

20 Moneys or fees collected pursuant to this chapter by the  
21 state fire marshal shall be deposited in the general fund of  
22 the state and the moneys are appropriated to the state fire  
23 marshal for the purpose of administering this chapter.

24 EXPLANATION

25 This bill provides for the regulation of certain fire  
26 protection system contractors by the state fire marshal. The  
27 state fire marshal is given the authority to adopt rules and  
28 administer the provisions of this new Code chapter.

29 New Code section 100C.1 defines "water-based fire  
30 protection system", "water-based fire protection system  
31 contractor", and "responsible managing employee" of the  
32 contractor.

33 New Code section 100C.2 requires the state fire marshal to  
34 administer this chapter and to adopt rules pursuant to chapter  
35 17A as necessary.

1 New Code section 100C.3 requires water-based fire  
2 protection system contractors to apply for a certificate from  
3 the state fire marshal in order to install, repair, alter, or  
4 provide postconstruction services of water-based fire  
5 protection systems in this state. The new Code section  
6 requires an application to list a responsible managing  
7 employee of the contractor who shall meet certain  
8 qualifications. The certificate is valid until June 30  
9 following the second year after issuance and is renewable for  
10 a two-year period. The bill applies a fee of not more than  
11 \$250 for a certificate and \$150 for renewal of a certificate.

12 New Code section 100C.4 requires a water-based fire  
13 protection system contractor to have at least \$1 million of  
14 insurance coverage.

15 New Code section 100C.5 provides that the new Code chapter  
16 does not apply to a person licensed as a professional engineer  
17 or registered as an architect who is qualified to perform  
18 water-based fire protection engineering or architectural  
19 services.

20 New Code section 100C.6 provides that a person who violates  
21 the provisions of this new Code chapter is guilty of a simple  
22 misdemeanor. In addition, the state fire marshal is given the  
23 authority to impose civil penalties of up to \$250 per person  
24 per day of violation. A violation also constitutes grounds  
25 for revocation of a contractor certificate.

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

29  
30  
31  
32  
33  
34  
35