

FEB 2 2 2006  
STATE GOVERNMENT

HOUSE FILE 2483  
BY SHOMSHOR

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

**A BILL FOR**

1 An Act providing for the certification of fire protection  
2 sprinkler system contractors and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2483

1 Section 1. NEW SECTION. 100D.1 DEFINITIONS.

2 1. "Fire protection sprinkler system" means an assembly of  
3 underground or overhead piping or conduit beginning at the  
4 connection to the primary water supply, whether public or  
5 private, that conveys water with or without other agents to  
6 dispersal openings or devices to extinguish, control, or  
7 contain fire and to provide protection from exposure to fire  
8 or other products of combustion.

9 2. "Fire protection sprinkler system contractor" or  
10 "contractor" means a person as defined in section 4.1 that  
11 offers to undertake the execution of a contract for the  
12 installation, inspection, maintenance, or servicing of a fire  
13 protection sprinkler system or any part of such a system.

14 Sec. 2. NEW SECTION. 100D.2 EXCLUSIONS.

15 This chapter does not apply to any of the following:

16 1. A federal, state, or local government employee,  
17 building official, fire marshal, fire inspector, or insurance  
18 inspector when acting in the person's official capacity.

19 2. A person or organization that sells or supplies  
20 products or materials to a certified fire protection sprinkler  
21 system contractor.

22 3. A professional engineer licensed pursuant to chapter  
23 542B acting solely in a professional capacity.

24 4. An employee of a certified fire protection sprinkler  
25 system contractor performing duties for that contractor.

26 5. An owner or occupant of a single-family residence  
27 installing or repairing a fire protection sprinkler system in  
28 that residence.

29 6. A person certified as a fire extinguishing system  
30 contractor pursuant to chapter 100C.

31 Sec. 3. NEW SECTION. 100D.3 CERTIFICATION -- EMPLOYEES.

32 1. A person shall not act as a fire protection sprinkler  
33 system contractor without first obtaining a fire protection  
34 sprinkler system contractor's certificate pursuant to this  
35 chapter.

1 2. An employee of a fire protection sprinkler system  
2 contractor working under the direction of a certified fire  
3 protection sprinkler system contractor is not required to  
4 obtain and maintain an individual fire protection sprinkler  
5 system contractor's certificate.

6 Sec. 4. NEW SECTION. 100D.4 APPLICATION -- INFORMATION  
7 TO BE PROVIDED.

8 1. A fire protection sprinkler system contractor shall  
9 apply for a certificate on a form prescribed by the state fire  
10 marshal. The application shall be accompanied by a fee in an  
11 amount prescribed by rule pursuant to section 100D.8 and shall  
12 include all of the following information:

- 13 a. The name, address, and telephone number of the  
14 contractor, including all legal and fictitious names.
- 15 b. Proof of insurance coverage required by section 100D.5.
- 16 c. Any other information deemed necessary by the state  
17 fire marshal.

18 2. Upon receipt of a completed application and prescribed  
19 fees, if the contractor meets all requirements established by  
20 this chapter, the state fire marshal shall issue a certificate  
21 to the fire protection sprinkler system contractor within  
22 thirty days.

23 3. Certificates shall expire and be renewed as established  
24 by rule pursuant to section 100D.8.

25 4. Any change in the information provided in the  
26 application shall be promptly reported to the state fire  
27 marshal.

28 Sec. 5. NEW SECTION. 100D.5 INSURANCE.

29 A fire protection sprinkler system contractor shall  
30 maintain general and complete operations liability insurance  
31 for the layout, installation, repair, alteration, addition,  
32 maintenance, and inspection of fire protection sprinkler  
33 systems in an amount determined by the state fire marshal by  
34 rule.

35 Sec. 6. NEW SECTION. 100D.6 SUSPENSION AND REVOCATION.

1 1. The state fire marshal shall suspend or revoke the  
2 certificate of any fire protection sprinkler system contractor  
3 who fails to maintain compliance with the conditions necessary  
4 to obtain a certificate. A certificate may also be suspended  
5 or revoked if any of the following occur:

6 a. The contractor fails to comply with any provision of  
7 this chapter.

8 b. The contractor fails to comply with any other  
9 applicable codes and ordinances.

10 2. If a certificate is suspended pursuant to this section,  
11 the certificate shall not be reinstated until the condition or  
12 conditions which led to the suspension have been corrected.

13 3. The state fire marshal shall adopt rules pursuant to  
14 section 100D.8 for the acceptance and processing of complaints  
15 against certificate holders, for procedures to suspend and  
16 revoke certificates, and for appeals of decisions to suspend  
17 or revoke certificates.

18 Sec. 7. NEW SECTION. 100D.7 APPLICABILITY.

19 This chapter shall not be construed to do any of the  
20 following:

21 1. Relieve any person from payment of any local permit or  
22 building fee.

23 2. Limit the power of the state or a political subdivision  
24 of the state to regulate the quality and character of work  
25 performed by fire protection sprinkler system contractors  
26 through a system of fees, permits, and inspections designed to  
27 ensure compliance with, and aid in the administration of,  
28 state and local building codes or to enforce other local laws  
29 for the protection of the public health and safety.

30 Sec. 8. NEW SECTION. 100D.8 ADMINISTRATION -- RULES.

31 The state fire marshal shall administer this chapter and,  
32 after consultation with the fire protection sprinkler system  
33 contractor advisory board, shall adopt rules pursuant to  
34 chapter 17A necessary for the administration and enforcement  
35 of this chapter.

1     Sec. 9. NEW SECTION. 100D.9 PENALTIES.

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

4     2. The state fire marshal may impose a civil penalty of up  
5 to five hundred dollars on any person who violates any  
6 provision of this chapter for each day a violation continues.  
7 If the state fire marshal believes that a violation poses a  
8 threat to the public health, safety, or welfare, the state  
9 fire marshal may order the person to cease all work relating  
10 to fire protection sprinkler systems until the violation  
11 ceases. The state fire marshal may adopt rules necessary to  
12 enforce and collect any penalties imposed pursuant to this  
13 chapter.

14     Sec. 10. NEW SECTION. 100D.10 DEPOSIT AND USE OF MONEYS  
15 COLLECTED.

16     1. All fees assessed pursuant to this chapter shall be  
17 retained as repayment receipts by the division of state fire  
18 marshal in the department of public safety and such fees  
19 received shall be used exclusively to offset the costs of  
20 administering this chapter.

21     2. Notwithstanding section 8.33, fees collected by the  
22 division of state fire marshal that remain unencumbered or  
23 unobligated at the close of the fiscal year shall not revert  
24 but shall remain available for expenditure for the purposes  
25 designated until the close of the succeeding fiscal year.

26     Sec. 11. NEW SECTION. 100D.11 FIRE PROTECTION SPRINKLER  
27 SYSTEM CONTRACTOR ADVISORY BOARD.

28     1. A fire protection sprinkler system contractor advisory  
29 board is established in the division of state fire marshal of  
30 the department of public safety and shall advise the division  
31 on matters pertaining to the application and certification of  
32 fire protection sprinkler system contractors pursuant to this  
33 chapter.

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

- 1 a. Two full-time fire officials of incorporated  
2 municipalities or counties.
- 3 b. One full-time building official of an incorporated  
4 municipality or county.
- 5 c. Two fire protection sprinkler system contractors,  
6 certified or eligible to be certified pursuant to this  
7 chapter.
- 8 d. One professional engineer or architect licensed in the  
9 state.
- 10 e. One representative of the general public.
- 11 3. The state fire marshal, or the state fire marshal's  
12 designee, shall be a nonvoting, ex officio member of the  
13 board.
- 14 4. The commissioner shall initially appoint two members  
15 for two-year terms, two members for four-year terms, and three  
16 members for six-year terms. Following the expiration of the  
17 terms of initially appointed members, each term thereafter  
18 shall be for a period of six years. No member shall serve  
19 more than two consecutive terms.
- 20 5. Four voting members of the advisory board shall  
21 constitute a quorum. A majority vote of the board shall be  
22 required to conduct business.
- 23 Sec. 12. Section 100C.1, subsection 6, Code 2005, is  
24 amended to read as follows:
- 25 6. "Fire extinguishing system contractor" means a person  
26 engaging in or representing oneself to the public as engaging  
27 in the activity or business of layout, installation, repair,  
28 alteration, addition, maintenance, or maintenance inspection  
29 of automatic fire extinguishing systems in this state. "Fire  
30 extinguishing system contractor" does not include a person  
31 certified as a fire protection sprinkler system contractor  
32 pursuant to chapter 100D.
- 33 Sec. 13. Section 100C.10, subsection 2, paragraph c, Code  
34 Supplement 2005, is amended to read as follows:
- 35 c. Two fire extinguishing system contractors, certified

1 pursuant to this chapter, ~~of which at least one shall be a~~  
2 ~~water-based fire sprinkler contractor.~~

3 EXPLANATION

4 This bill requires that any person that installs, inspects,  
5 maintains, or services a fire protection sprinkler system must  
6 be certified as a fire protection sprinkler system contractor  
7 by the state fire marshal. Certified contractors must  
8 maintain liability insurance in an amount specified by the  
9 state fire marshal. The state fire marshal is required to  
10 adopt rules setting the fee for certification and the period  
11 of renewal. Fees collected by the state fire marshal are to  
12 be retained and used for administering the bill.

13 The bill provides a process for the handling of complaints  
14 and for the suspension or revocation of a certificate. In  
15 addition, a violation of the bill is a simple misdemeanor and  
16 the state fire marshal may impose a civil penalty of up to  
17 \$500. If the state fire marshal believes that a violation  
18 poses a threat to the public health, safety, or welfare, the  
19 state fire marshal may order the person to cease all work  
20 relating to fire protection sprinkler systems until the  
21 violation ceases.

22 The bill also creates a multimember advisory board to  
23 advise the state fire marshal on matters pertaining to the  
24 application and certification of fire protection sprinkler  
25 system contractors.

26  
27  
28  
29  
30  
31  
32  
33  
34  
35