

VERY ROUGH DRAFT

**PUBLIC SAFETY DEPARTMENT (661)
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 100C.7, the State Fire Marshal hereby gives Notice of Intended Action to adopt new Chapters 277, "Certification of Alarm System Contractors," and 278, "Certification of Alarm System Installers," Iowa Administrative Code.

Iowa Code Chapter 100C has provided for the certification of Fire Extinguishing System Contractors since 2005. 2007 Iowa Acts, House File 897, amended Iowa Code Chapter 100C to provide also for certification of alarm system contractors and installers. The rules proposed herein provide for requirements and procedures which will apply to these additional categories of certification.

A public hearing on these proposed amendments will be held on _____, 2007 at _____:_____.m. in the Room 125 (1st Floor Conference Room) in the State Department of Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The building and conference room are fully accessible. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Department of Public Safety Building, Des Moines, Iowa 50319, by mail, by telephone at (515)725-6185, or by electronic mail to admrule@dps.state.ia.us, at least one day prior to the public hearing. Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated by 4:30 p.m. on _____ 2007, or submitted at the public hearing. Persons who wish to convey their views orally other than

at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on _____ 2007..

These rules are intended to implement Iowa Code Chapter 100C, as amended by 2007 Iowa Acts, House File 897.

The following rules are proposed:

Item 1. Adopt the following new chapter:

CHAPTER 277

CERTIFICATION OF ALARM SYSTEM CONTRACTORS

661—277.1(100C) Establishment of program. There is established within the fire marshal division an alarm system contractors and installers certification program. The is chapter establishes the procedures and requirements for certification of alarm system contractors. Chapter 278 establishes procedures and requirements for certification of alarm system installers. The program is established pursuant to Iowa Code chapter 100C, as amended by 2007 Iowa Acts, House File 897.

661—277.2(100C) Certification required. No person shall act as an alarm system contractor without being currently certified as an alarm system contractor by the fire marshal, except as provided in subrule 277.1(3), or if exempted by other provisions of law.

661—277.3(100C) Endorsement. The certification of each contractor shall carry an endorsement for one or more of the following:

1. Fire alarm systems;
2. Security alarm systems;
3. Medical alarm systems.

Any person acting as a contractor shall do so only in relation to systems covered by the endorsements on the contractor's certification.

661—277.4(100C) Length of certification. Certification shall normally be for one year and shall expire on the last day of the same month of the following year as the month in which it is issued.

661—277.5(100C) Inquiries. Inquiries regarding the alarm system contractors and installers certification program may be addressed to:

Alarm System Contractors and Installers Certification Program

Fire Marshal Division

Iowa Department of Public Safety

215 East 7th Street

Des Moines, Iowa 50319

Inquiries may be addressed by electronic mail to alarminfo@dps.state.ia.us, by telephone to (515)281-5821, or by facsimile to (515)242-6299.

661—277.6(100C) Definitions. The following definitions apply to rules 661—277.1(100C) through 661—277.__(100C):

“Automatic fire alarm system” means a system of devices and equipment that automatically detects a fire and automatically signals the presence of the fire.

“Alarm system contractor” or “contractor” means a person engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state.

“Burglar alarm system” or “security alarm system” means

“Fire alarm system” means...

“Layout” means drawings, calculations and component specifications to achieve the specified system design installation. “Layout” does not include design.

“Listed” means equipment, materials, or services included in a list published by a nationally recognized independent testing organization concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

“Maintenance inspection” means periodic inspection and certification completed by a alarm system contractor. For purposes of this chapter and chapter 278, “maintenance inspection” does not include an inspection completed by a local building official, fire inspector, or insurance inspector, when acting in an official capacity.

“Medical alarm system” means...

“Responsible managing employee” means an owner, partner, officer, or manager employed full-time by a contractor who is designated as a responsible managing employee for the contractor and who meets the requirements for a responsible managing employee established in rule 661—277.7(100C).

661—277.7(100C) Responsible managing employee. Each contractor shall designate a responsible managing employee and may designate one or more alternate

responsible managing employees. A contractor may designate more than one responsible managing employee in order to satisfy the requirements for more than one endorsement as provided in subrule 277.__(). If more than one responsible managing employee is designated, the contractor shall indicate for which responsible managing employee each designated alternate managing employee serves as an alternate.

277.7(1) The responsible managing employee or employees shall be designated in the application for certification; and, if a responsible managing employee is no longer acting in that role, the contractor shall so notify the fire marshal, in writing, within 30 calendar days, on a form designated by the fire marshal.

277.7(2) If a responsible managing employee is no longer acting in that role and the contractor has designated an alternate responsible managing employee, the alternate responsible managing employee shall become the responsible managing employee and the contractor shall so notify the fire marshal, in writing, within 30 calendar days of the date on which the preceding responsible managing employee ceased to act in that role. If the contractor has designated more than one alternate responsible managing employee, the notice to the fire marshal shall indicate which alternate responsible managing employee has assumed the position of responsible managing employee.

277.7(3) If a responsible managing employee designated by a contractor is no longer acting in the role of responsible managing employee and the contractor has not designated an alternate responsible managing employee, the contractor shall designate a new responsible managing employee and shall notify the fire marshal, in writing, of the designation within six months of the date on which the former responsible managing employee ceased to act in that capacity, on a form designated by the fire marshal. If the fire marshal has not been notified of the appointment of a new responsible managing employee within six months of the date on which a responsible managing employee

ceased serving in that capacity, the fire marshal shall suspend the certification of the fire extinguishing system contractor.

277.7(4) A responsible managing employee or an alternate responsible managing employee shall meet one of the following requirements:

a. Current licensure as a professional engineer by the Iowa engineering and land surveying examining board, with competence in fire protection engineering.

b. Current certification by the National Institute for Certification in Engineering Technologies at level ____ or above in fire protection technology, _____.

c.....

277.7(5) In any case in which training or testing that is offered to satisfy the requirements of this rule is required to be approved by the fire marshal, such approval is required prior to acceptance of the training or testing to meet certification requirements. Approval by the fire marshal of any training or testing to meet these requirements may be sought by the individual, firm, or organization providing the testing or training or initiated by the fire marshal. Any individual, firm or organization seeking to obtain such approval may apply to the fire marshal. An application form for approval of a testing or training program may be obtained by contacting the alarm system contractors and installers certification program as specified in rule 277.5(100C).

277.7(6) Work performed by a contractor subject to these rules shall be limited to areas of competence indicated by the specific certification or certifications or other training requirements met by the responsible managing employee.

277.7(7) Nothing in this rule shall be interpreted to conflict with or diminish any requirement for training or certification for anyone installing or servicing an alarm system set forth in any rule of the fire marshal or local ordinance or standard adopted by reference therein.

661—277.8(100C) Certification requirements. An alarm system contractor shall meet all of the following requirements in order to receive certification from the fire marshal and shall continue to meet all requirements throughout the period of certification. The contractor shall notify the fire marshal, in writing, on a form designated by the fire marshal, within 30 calendar days if the contractor fails to meet any requirement for certification.

277.4(1) The contractor shall designate one or more responsible managing employees as provided in rule 661—277.7(100C).

277.4(2) The contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of alarm systems in the following amounts: \$500,000 per person, \$1,000,000 per occurrence, and \$1,000,000 property damage.

a. The carrier of any insurance coverage maintained to meet this requirement shall notify the fire marshal 30 days prior to the effective date of cancellation or reduction of the coverage.

b. The contractor shall cease operation immediately if the insurance coverage required by this subrule is no longer in force and other insurance coverage meeting the requirements of this subrule is not in force. A contractor shall not initiate any installation of a fire extinguishing system which cannot reasonably be expected to be completed prior to the effective date of the cancellation of the insurance coverage required by this subrule and of which the contractor has received notice, unless new insurance coverage meeting the requirements of this subrule has been obtained and will be in force upon cancellation of the prior coverage.

277.4(3) The contractor shall maintain current registration as a contractor with the labor services division of the Iowa workforce development department in compliance with Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code.

EXCEPTION: A contractor shall not be required to maintain registration with the labor services division of the Iowa workforce development department if the contractor does not meet the definition of “contractor” for purposes of Iowa Code chapter 91C and 875—Chapter 150, Iowa Administrative Code.

277.8(4) The contractor shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and of any political subdivision in which the contractor is performing work.

661—277.9(100C) Application and fees.

277.9(1) Application. Any person seeking certification as an alarm system contractor shall submit a completed application form to the fire marshal. The application shall be filed no later than 30 days prior to the date on which certification is anticipated or on which an existing certification expires. An application form may be obtained from the fire marshal or from the Web site of the alarm system contractors and installers certification program. The application form shall be submitted with all required attachments and the required application fee established in subrule 277._(). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

NOTE: The Web site for the alarm system contractors certification program is:
<http://www.dps.state.ia.us/fm/alarm/index.shtml>.

277.9(2) Certification fee. The certification fee shall be \$_____ per year. If an application is denied, all except \$100 of the fee may be refunded if the applicant applies to the fire marshal for a refund. No refund of the certification fee shall be made if the certification is revoked or if the denial of the certification is based on the applicant's knowingly including false or misleading information on the application.

If an application for certification provides for more than one responsible managing employee pursuant to rule 661—277.5(100C), there shall be an additional fee of \$___ for each responsible managing employee beyond the first. If an application for certification provides for more than one endorsement as provided in subrule 277.1(2), there shall be an additional fee of \$___ for each endorsement beyond the first.

277.9(3) Payment. The certification fee shall be submitted by draft, check, or money order in the applicable amount payable to the Iowa State Fire Marshal. If the application is denied, the certification fee less \$100 shall be returned to the applicant, except as provided in subrule 277.__().

277.5(4) Amended certification fee. The fee for issuance of an amended certification is \$___. The fee shall be submitted with the request for an amended certification. A contractor shall request and the fire marshal shall issue an amended certificate for any of the following:

- a. A change in the designation of a responsible managing employee;
- b. A change in insurance coverage; or
- c. A change in any other material information included in or with the initial or renewal application.

Other changes in the information required in the application form, including renewal of insurance coverage with a new expiration date, shall be reported to the fire marshal but shall not require issuance of an amended certification or payment of the amended certification fee.

277.5(5) Attachments. Required attachments to the application for certification include, but are not limited to, the following:

- a. Documentation verifying that the contractor has in force the insurance coverage required by subrule 277.__(). The documentation shall include an acknowledgment that the contractor's insurance coverage extends to any work performed by the contractor

within the scope of certification pursuant to this chapter. The documentation may consist of a letter from the insurance carrier or a copy of the insurance certificate with an endorsement showing the required information.

b. Documentation verifying that the person designated as the responsible managing employee and any persons designated as alternate responsible managing employees have met the applicable certification requirements.

661—277.10(100C) Complaints. Complaints regarding the performance of any certified contractor, failure of a certified contractor to meet any of the requirements established in Iowa Code chapter 100C or this chapter or any other provision of law, or operation as an alarm system contractor without certification may be filed with the fire marshal.

Complaints should be addressed as follows:

Alarm System Contractors and Installers Certification Program

Fire Marshal Division

Iowa Department of Public Safety

215 East 7th Street

Des Moines, Iowa 50319

Complaints may be submitted by electronic mail to alarminfo@dps.state.ia.us or by facsimile to (515)725-_____.

Complaints should be as specific as possible and shall clearly identify the contractor against whom the complaint is filed. A form which may be used to file complaints is available on the Web site of the alarm system contractors and installers certification program. Complaints may be filed without using the complaint form provided, but shall be submitted in writing. A complaint may be submitted anonymously, but if the name and contact information of the complainant are provided, the complainant will be notified of the disposition of the complaint.

NOTE: The Web site for the alarm system contractors and installers certification program is: <http://www.dps.state.ia.us/fm/alarmindex.shtml>.

661—277.11(100C) Denial, suspension, or revocation of certification; civil penalties; and appeals. The fire marshal may deny, suspend or revoke the certification of a contractor, or assess a civil penalty to the contractor, if any provision of these rules or any other provision of law related to operation as a fire extinguishing system contractor is violated.

277.11(1) Denial. The fire marshal may deny an application for certification:

a. If the applicant makes a false statement on the application form or in any other submission of information required for certification. "False statement" means providing false information or failing to include material information, such as a previous criminal conviction or action taken by another jurisdiction, when requested on the application form or otherwise in the application process.

b. If the applicant fails to meet all of the requirements for certification established in this chapter.

c. If the applicant is currently barred for cause from acting as an alarm system contractor in another jurisdiction.

d. If an applicant has previously been barred for cause from operating in another jurisdiction as an alarm system contractor and if the basis of that action reflects upon the integrity of the applicant in operating as a fire extinguishing system contractor. If an applicant is found to have been previously barred for cause from operating as an alarm system contractor in another jurisdiction and is no longer barred from doing so, the fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a certified contractor. If an applicant is denied under this provision, the applicant shall be notified of the specific reasons for the denial.

