

## Red Tape Review Rule Report (Due: September 1, 2024 )

<b>Department Name:</b>	Public Safety	<b>Date:</b>	8/5/24	<b>Total Rule Count:</b>	11
<b>IAC #:</b>	661	<b>Chapter/ SubChapter/ Rule(s):</b>	200	<b>Iowa Code Section Authorizing Rule:</b>	100.1
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

This rule is intended to outline the administration and bureaus of the State Fire Marshal (SFM) Division. It also serves as rules for fire investigations, information sharing with insurance companies, and insurance companies sharing information with the SFM. Currently, there are rules regarding building plan approval and review, inspections, and fire drills. These will be moving to DIAL as they are no longer under the purview of DPS post-alignment.

**Is the benefit being achieved? Please provide evidence.**

Yes, fire investigations occur around the state on a daily basis and having these rules in place to outline processes and procedures is necessary. These rules also help to facilitate information sharing between the SFM and insurance companies.

**What are the costs incurred by the public to comply with the rule?**

There is no direct cost for the public to comply with this rule.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

There are no costs to the Department to enforce these rules.

**Do the costs justify the benefits achieved? Please explain.**

Yes. Chapter 200 provides more detail into what fire investigations entail, ensuring fires are properly investigated and reported and those responsible are held accountable. Insurance companies also benefit from having a more in depth description on information sharing following a fire.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

These rules solely provide clarity to requirements set forth in Iowa Code chapters 100 and 100A.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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200.2 – outdated, one time language that is no longer necessary  
200.11 – SFM uses a form outlined in 100A and not any of the forms listed in this rule

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

200.2 (repealing)  
200.3 (transferring to DIAL)  
200.4 (transferring to DIAL)  
200.5 (transferring to DIAL)  
200.7 (transferring to DIAL)  
200.8 (transferring to DIAL)  
200.11 (repealing)

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

**661—200.1(100) Description.** The fire marshal division is created within the department of public safety. The division headquarters is located in the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The main telephone number for the division is (515)725- 6150. The general E-mail address for the division is [fminfo@dps.state.ia.us](mailto:fminfo@dps.state.ia.us).

**200.1(1)** The assistant director of the division is the state fire marshal, who is appointed by and reports to the director of investigative operations. There is a special agent in charge, appointed by the fire marshal, who also serves as bureau chief of the arson and explosives bureau. The special agent in charge may act in place of the state fire marshal if the state fire marshal position is vacant or the state fire marshal is absent or unavailable.

**200.1(2)** The division includes the following bureaus:

- a. Arson and explosives bureau.
- b. Fire service training bureau.

**661—200.2(100) Fire investigations.**

**200.2(1)** The fire marshal has the authority to investigate any fire in the state of Iowa.

- a. The fire marshal may initiate an investigation of any fire at the discretion of the fire marshal.
- b. Any local fire or law enforcement official may request the fire marshal to investigate any fire. Such investigation shall be undertaken at the discretion of the fire marshal.

**200.2(2)** Local fire officials have the primary responsibility to and will investigate fires. A local fire official who investigates a fire will file a report of each fire investigated with the fire marshal division within one week of the fire even if the fire marshal division participated in, assisted with, directed or supervised the fire investigation. Upon written request setting forth compelling reasons, the fire marshal may grant an extension of the time for filing this report for a period not to exceed 14 days.

**200.2(3)** A local fire official who investigates a fire will immediately report a fire that involves death or suspected arson by contacting the member of the fire marshal division assigned to that area or, if that member is not available, another member of

the fire marshal division. If direct contact with the fire marshal division is impractical, the local fire official may request the county sheriff to relay the information to the fire marshal division via Iowa state patrol communications.

**200.2(4)** The notice of a fire involving death or arson will contain the following information, if known:

- a. The date, time, and address of the fire;
- b. If death has occurred or is suspected, the name, age and address of the person or persons deceased or missing;
- c. The suspected cause of the fire;
- d. If arson is suspected, the reasons for suspecting arson, whether there is obvious evidence of arson, and if there is an arson suspect; and
- e. Whether an explosion occurred.

**661—200.3(100A) Sharing of insurance company information with the fire marshal.** Insurance companies will provide specified information to the fire marshal as follows:

**200.3(1)** Whenever an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, the insurance company will provide to the fire marshal, or some other agency authorized to receive such information under Iowa Code chapter 100A, all information and material possessed by the company relevant to an investigation of the fire loss or a prosecution for arson.

**200.3(2)** Whenever the fire marshal, or an agent or employee of the fire marshal, requests in writing that an insurance company provide information in its possession regarding a fire to the fire marshal, the insurance company will provide all relevant information requested. Relevant information may include the information provided in section 100A.2

**200.3(3)** Unless otherwise expressly limited, any request for information under this rule will be construed to be a request for all information in the possession of an insurance company. Any information in the custody or control of any agent, employee, investigator, attorney or other person engaged, on a permanent or temporary basis, by an insurance company in the person's professional relationship to the insurance company will be considered to be in the possession of the insurance company subject to this rule.

**661—200.4(100A) Release of information to an insurance company.** An insurance company that has provided fire loss information to an authorized agency pursuant to Iowa Code section 100A.2 may request information relevant to the fire loss investigation from the fire marshal. If the insurance company has provided information to an authorized agency other than the fire marshal, the request will include proof that information was provided. For purposes of this rule, the term "insurance company" includes an attorney, adjuster or investigator engaged by the company in reference to the particular fire loss involved in the request even though the attorney, adjuster or investigator is not a full-time employee of the insurance company. The attorney, adjuster or investigator will provide the fire marshal with proof of authorization from the insurance company to act as its representative relative to the loss.

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

#### METRICS

<b>Total number of rules repealed:</b>	<b>7</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>3261</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>82</b>

#### ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

Not at this time.