

2015 Regular Session

HOUSE BILL NO. 750

BY REPRESENTATIVE BROADWATER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIRE MARSHAL: Authorizes the state fire marshal to conduct inspections and plan reviews relative to fuel tanks, fuel tank installations, and fuel dispensing facilities

1 AN ACT

2 To enact Subpart E of Part III of Chapter 7 of Title 45 of the Louisiana Revised Statutes of  
3 1950, to be comprised of RS. 40:1651 through 1655, relative to the Louisiana Office  
4 of State Fire Marshal; to provide for a short title; to provide for definitions; to  
5 authorize inspections of fuel tanks, fuel tank installations, and fuel dispensing  
6 facilities; to provide for enforcement relative to violations; to provide for inspection  
7 fees; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart E of Part III of Chapter 7 of Title 45 of the Louisiana Revised  
10 Statutes of 1950, comprised of RS. 40:1651 through 1655, is hereby enacted to read as  
11 follows:

12 SUBPART E. FUEL TANK SAFETY ACT

13 §1651. Short Title

14 This Subpart shall be known and may be cited as the "Fuel Tank Safety Act".

15 §1652. Definitions

16 As used in this Subpart, the following terms and phrases have the meanings  
17 hereinafter ascribed to them:

18 (1) "Dwelling" means any building or structure, or part thereof, used and  
19 occupied for human habitation or intended to be so used, and includes any yard,

1 garden, outhouses, and appurtenances belonging thereto or usually enjoyed  
2 therewith.

3 (2) "Fuel tank" means any flammable and combustible liquid storage  
4 container that has a capacity of at least two hundred seventy-five liquid gallons or  
5 more.

6 (3) "One- or two-family dwelling" means a building containing not more  
7 than two dwelling units in which one or each dwelling unit is occupied by members  
8 of a single family with not more than three outsiders, if any, accommodated in rented  
9 rooms.

10 (4) "Structure" means any building of any nature or kind whatsoever except  
11 the interior of a single private and one- or two-family dwelling.

12 §1653. Authority of state fire marshal; plan review and inspection of flammable and  
13 combustible liquid storage containers, installations, and dispensing facilities

14 A. The fire marshal shall supervise the inspection of fuel tanks, fuel tank  
15 installations, and fuel dispensing facilities that are accessory to dwellings for the  
16 purpose of protecting life and property from the hazards of fire and of panic which  
17 may arise from fire or from the threat of fire or explosion.

18 B. The design and maintenance of any fuel tank, fuel tank installation, or  
19 fuel dispensing facility shall be subject to the rules and regulations promulgated by  
20 the state fire marshal for plan review and inspection.

21 §1654. Inspection of premises; enforcement orders

22 A. Upon complaint of any person or upon his own initiative when he thinks  
23 necessary, the fire marshal or any of his authorized representatives may inspect any  
24 fuel tank, fuel tank installation, or fuel dispensing facility accessory to a dwelling  
25 within the state.

26 B. Whenever the inspecting officer finds any fuel tank, fuel tank installation,  
27 or fuel dispensing facility, which, for any cause, is liable to fire or dangerous to life  
28 or which is so situated as to endanger other property or the occupants thereof, he

1        shall order the fuel tank to be repaired or to be removed or the premises remedied or  
2        razed.

3                C. The owner of a fuel tank, fuel tank installation, or fuel dispensing facility  
4        shall not permit it to be used until the fire marshal certifies that the hazardous  
5        conditions have been eliminated.

6                D. The fire marshal shall deem any fuel tank, fuel tank installation, or fuel  
7        dispensing facility to be in violation of the provisions of this Section and to be liable  
8        to fire or dangerous to life for any of the following causes:

9                        (1) Age or deteriorated condition.

10                      (2) Lack of repairs.

11                      (3) Lack of at least one operable and accessible fire extinguisher, located  
12        between ten and fifty feet from the container and the dispenser, rated for use with  
13        Class C fires.

14                      (4) Location of less than five feet from property lines, waterways, buildings,  
15        and other combustible structures.

16                      (5) Storage in containers that are not protected against damage from  
17        collision, properly vented, or tested and approved for such use.

18                      (6) Use of dispensing devices not listed and labeled for such use.

19        §1655. Inspection fees

20                      Notwithstanding any other provision of law to the contrary, the state fire  
21        marshal may charge an inspection fee, as authorized by R.S. 40:1563.5, for  
22        inspections of fuel tanks, fuel tank installations, and fuel dispensing facilities.

23        Section 2. The Louisiana Office of State Fire Marshal shall promulgate any rules  
24        and regulations necessary to implement the provisions of this Act.

25        Section 3. Section 1 of this Act shall become effective on January 1, 2016.

26        Section 4. The provisions of this Section and Sections 2 and 3 of this Act shall  
27        become effective upon signature of this Act by the governor or, if not signed by the  
28        governor, upon expiration of the time for bills to become law without signature by the  
29        governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act

1 is vetoed by the governor and subsequently approved by the legislature, the provisions of  
2 this Section and Sections 2 and 3 of this Act shall become effective on the day following  
3 such approval.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 750 Original

2015 Regular Session

Broadwater

**Abstract:** Authorizes the Louisiana Office of State Fire Marshal to conduct inspections and plan reviews of fuel tanks, fuel tank installations, and fuel dispensing facilities.

Proposed law enacts the Fuel Tank Safety Act.

Proposed law enumerates definitions for the purposes of proposed law in order to provide for clarification.

Proposed law authorizes the state fire marshal to supervise the inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities pursuant to the provisions of proposed law.

Proposed law indicates when the fire marshal may initiate an inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities. Proposed law allows the state fire marshal to issue orders to enforce the repair or removal of fuel tanks, fuel tank installations, and fuel dispensing facilities. Proposed law imposes restrictions on the owner of a fuel tank, fuel tank installation, or fuel dispensing facility once issued an enforcement order by the state fire marshal or his representative. Proposed law enumerates a list of causes for finding a violation of proposed law.

Proposed law authorizes the state fire marshal to charge an inspection fee, as authorized by present law (R.S. 40:1563.5), for the inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities.

Proposed law allows the state fire marshal to promulgate any rules or regulations necessary to implement the provisions of proposed law.

Proposed law provides for effective dates.

Section 1 effective Jan. 1, 2016.

Sections 2, 3, and 4 effective upon signature of governor or lapse of time for gubernatorial action.

(Adds RS. 40:1651-1655)