

2018 Regular Session

HOUSE BILL NO. 653

BY REPRESENTATIVE SIMON

FIRE PROTECT/FIRE MARSHAL: Provides relative to conveyance devices

1 AN ACT

2 To amend and reenact R.S. 40:1646(A) through (C), 1664.3(introductory paragraph), (4),  
3 and (37), 1664.9(A), (B)(introductory paragraph), (C)(introductory paragraph), (I),  
4 and (J), 1664.11(A)(introductory paragraph), (1)(a), and (D), and  
5 1664.12(introductory paragraph) and (3) and to enact R.S. 40:1646(E), 1664.3(62)  
6 through (67), 1664.9(B), (9), (10), and (C) (11), 1664.9(K), and 1664.10(9), relative  
7 to life safety systems and equipment under the authority of the state fire marshal; to  
8 provide for the inclusion of conveyance devices and related regulatory provisions;  
9 to add and expand with respect to certain definitions; to provide with respect to  
10 certain license endorsements and related fees; to amend relative to a certain board;  
11 to direct the Louisiana State Law Institute to arrange in alphabetical order and  
12 renumber certain definitions; to provide for effectiveness; and to provide for related  
13 matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1646(A) through (C), 1664.3(introductory paragraph), (4), and  
16 (37), 1664.9(A), (B)(introductory paragraph), (C)(introductory paragraph), (I), and (J),  
17 1664.11(A)(introductory paragraph), (1)(a), and (D), and 1664.12(introductory paragraph)  
18 and (3) are hereby amended and reenacted and R.S. 40:1646(E), 1664.3(62) through (67),  
19 1664.9(B), (9), (10), and (C)(11), 1664.9(K), and 1664.10(9) are hereby enacted to read as  
20 follows:

1 §1646. State fire marshal; owners; life safety systems and equipment inspections

2 A. The fire marshal is authorized to cause the inspection, certification, and  
3 testing of all life safety systems and equipment in the state, whether in public or  
4 private buildings, during installation or immediately after installation to determine  
5 compliance with applicable codes, standards, and manufacturer specifications.

6 B. The owner of any building containing a life safety system and equipment  
7 shall cause at a minimum an annual inspection and certification to be made of the life  
8 safety system and equipment in that building to assure compliance with applicable  
9 safety standards and to determine whether structural changes in the building or in the  
10 contents of the building mandate alteration of a system.

11 C. Life safety systems and equipment includes but is not limited to fire  
12 sprinkler, fire alarm, fire suppression, special locking systems and equipment, ~~and~~  
13 portable fire extinguishers, and conveyance devices.

14 \* \* \*

15 E. A licensed conveyance device mechanic who installs new conveyance  
16 devices shall be on-site for the final acceptance inspection by a conveyance device  
17 inspector.

18 \* \* \*

19 §1664.3. Definitions

20 As used in this Subpart, the following terms ~~shall~~ have the meanings  
21 specified in this Section:

22 \* \* \*

23 (4) "Certify" means to attest to the proper functionality, inspection,  
24 installation, integration, programming, and service of life safety and property  
25 protection systems and equipment in accordance with all applicable engineered  
26 specifications, ~~manufacturer's~~ manufacturer specifications, and submitted plans and  
27 per the inspection, ~~testing~~, testing and maintenance chapters as set forth in the

1 applicable ~~NFPA codes and standards~~ NFPA, ASME, ANSI, and ASCE codes,  
2 standards, and manufacturer specifications.

3 \* \* \*

4 (37)(a) "Life safety and property protection contracting" means performing  
5 certification, inspection, installation, integration, programming, sale, or service of  
6 systems and equipment designed to protect life and property. Life safety and  
7 property protection systems and equipment include but is not limited to mechanical  
8 or electronic locks, special locking systems and equipment, security systems and  
9 equipment, fire sprinkler systems and equipment, fire detection and alarm systems  
10 and equipment, fire suppression systems and equipment, ~~and~~ portable fire  
11 extinguishers, ~~and~~ fire hoses, and conveyance devices. Life safety and property  
12 protection contracting includes but is not limited to the sale, lease, rent, planning  
13 with the intent to prewire, rewiring, hydrostatic testing, erection, construction,  
14 dismantling, maintenance, repair, testing, modification, improvement, or alteration  
15 of life safety systems and ~~equipment;~~ equipment, holding oneself or one's firm out  
16 for hire to perform any such ~~task;~~ task, or otherwise offering to perform any such  
17 task for compensation, either directly or indirectly.

18 (b) Notwithstanding any other provision of this Subpart, ~~no~~ a person licensed  
19 ~~under as provided in this Subpart may~~ shall not install primary power sources of one  
20 hundred volts or greater when such power source is being installed to operate low  
21 voltage systems, unless the person is licensed by the State Licensing Board for  
22 Contractors to perform such installations.

23 \* \* \*

24 (62) "ANSI" means the American National Standards Institute.

25 (63) "ASCE" means the American Society of Civil Engineers.

26 (64) "ASME" means the American Society of Mechanical Engineers.

27 (65) "Conveyance" or "conveyance device" means any of the following,  
28 except those located in one- or two-family dwellings as defined in R.S. 40:1573:



1 B. The amount of licensing fees for a firm ~~shall be~~ are as follows:

2 \* \* \*

3 (9) Technical Endorsement -

4 Conveyance Device - Inspection \$250 \$50

5 (10) Technical Endorsement -

6 Conveyance Device-Mechanical \$250 \$50

7 C. The amount of licensing fees for a person ~~shall be~~ are as follows:

8 \* \* \*

9 (11) Technical Endorsement - Conveyance Device

10 (a) Conveyance Device Inspector \$100 \$50

11 (b) Conveyance Device Mechanic \$100 \$50

12 \* \* \*

13 I.(1) The owner or his designee of each conveyance device installed prior to  
14 July 1, 2019, except those exempt pursuant to R.S. 40:1664.5(B), shall register the  
15 conveyance device with the office of state fire marshal on or before December 1,  
16 2019.

17 (2) A firm that installs a conveyance device on or after July 1, 2019 shall  
18 register the conveyance device with the office of state fire marshal within thirty days  
19 of its installation.

20 I.J. The fees established in this Section ~~shall not be~~ are not refundable except  
21 under such conditions as the state fire marshal may establish.

22 I.K.(1) Subject to the exceptions contained in Article VII, Section 9 of the  
23 Constitution of Louisiana, all monies received by the state fire marshal pursuant to  
24 this Subpart, including but not limited to fees and fines, shall be deposited  
25 immediately upon receipt in the state treasury and shall be credited to the Bond  
26 Security and Redemption Fund. Out of the funds remaining in the Bond Security  
27 and Redemption Fund after a sufficient amount is allocated from that fund to pay all  
28 obligations secured by the full faith and credit of the state which become due and  
29 payable within any fiscal year, the treasurer, prior to placing such remaining funds

1 in the state general fund, shall pay an amount equal to the total amount of funds paid  
2 into the state treasury by the state fire marshal pursuant to this Subpart into a special  
3 fund which is hereby created in the state treasury and designated as the Louisiana  
4 Life Safety and Property Protection Trust Fund.

5 (2) The monies in the Louisiana Life Safety and Property Protection Trust  
6 Fund shall be used solely for implementation, administration, and enforcement of  
7 this Subpart, and thereafter, for fire education or emergency response by the state fire  
8 marshal and only in the amounts appropriated each year to the state fire marshal or  
9 the board by the legislature. Any surplus monies and interest remaining to the credit  
10 of the fund on June thirtieth of each year after all such appropriations of the  
11 preceding fiscal year have been made shall remain to the credit of the fund, and no  
12 part thereof shall revert to the state general fund.

13 §1664.10. Powers and duties of state fire marshal

14 The state fire marshal shall:

15 \* \* \*

16 (9) Upon notification by a fire chief or his designee, order a special  
17 investigation of any conveyance device accident resulting in any human injury or  
18 death within this state.

19 §1664.11. Life Safety and Property Protection ~~Advisory~~ Education Board

20 A. The Life Safety and Property Protection ~~Advisory~~ Education Board is  
21 hereby created and placed within the Department of Public Safety and Corrections  
22 as further provided by R.S. 36:409(M) and 919.3. The board shall be composed of  
23 ~~thirteen~~ fifteen members, as follows:

24 (1)(a) ~~Twelve~~ Fourteen members shall be appointed by the governor from  
25 a list of nominees submitted to the governor by any licensed firm, the Louisiana Life  
26 Safety and Security Association, the Louisiana Fire Sprinkler Association, ~~and~~ the  
27 Louisiana Automatic Fire Alarm Association, or any conveyance device trade  
28 association.

29 \* \* \*



Proposed law modifies "certify" and "life safety and property protection contracting" as defined in present law. Further adds the following definitions: "ANSI", "ASCE", "ASME", "conveyance" or "conveyance device", "conveyance device inspector", and "conveyance device mechanic".

Present law authorizes the fire marshal to inspect and test all life safety systems and equipment in this state to determine compliance with applicable standards.

Proposed law expands present law to authorize the fire marshal's certification of such systems and equipment to determine compliance with applicable codes and manufacturer specifications.

Proposed law requires a licensed conveyance device mechanic who installs new conveyance devices to be on-site for the final acceptance inspection by a conveyance device inspector.

Present law authorizes the fire marshal to assess and collect certain fees relative to license endorsements with respect to 2 categories: (1) Property Protection and (2) Life Safety.

Proposed law adds Conveyance Devices as a division within the Life Safety category and requires a license endorsement for such devices.

Proposed law provides the following 2 license endorsements for firms. Provides an initial fee of \$250.00 and a renewal fee of \$50.00 for each, respectively:

- (1) Technical Endorsement-Conveyance Device-Inspection.
- (2) Technical Endorsement-Conveyance Device-Mechanical.

Proposed law provides the following 2 license endorsements for persons. Provides an initial fee of \$100.00 and a renewal fee of \$50.00 for each, respectively:

- (1) Conveyance Device Inspector.
- (2) Conveyance Device Mechanic.

Proposed law requires the owner of a conveyance device installed prior to July 1, 2019, except those exempt pursuant to present law, to register the conveyance device with the office of state fire marshal on or before Dec. 1, 2019. Requires a firm installing conveyance devices on or after July 1, 2019 to register the conveyance device with the office of state fire marshal within 30 days of its installation.

Present law provides certain duties and powers of the fire marshal.

Proposed law expands such duties and power to include the ordering of a special investigation of any conveyance device accident resulting in human injury or death. Provides for such special investigation upon notification by a fire chief or his designee.

Present law provides for the Life Safety and Property Advisory Board. Provides for the board to be composed of 13 members. Requires 12 members to be appointed by the governor from a list of nominees submitted to the governor from particular entities. Further provides 5 members of the board constitutes a quorum for the transaction of business.

Proposed law amends present law to provide for the Life Safety and Property Education Board. Increases the number of board members from 13 to 15. Increases the number of members to be appointed by the governor from 12 to 14. Expands the entities authorized to submit nominees to the governor to include a licensed firm or any conveyance device trade association. Increases the number of board members constituting a quorum from 5 to 8.

Present law prohibits persons or firms from certifying, inspecting, installing, integrating, selling, or servicing life safety and property protection contrary to plans submitted for review, applicable NFPA codes, standards, or manufacturer specifications without specific written authorization from the office of the state fire marshal.

Proposed law adds dismantling and programming as prohibitions without proper authorization. Adds ASME, ANSI, or ASCE codes as applicable codes for compliance. Clarifies that "life safety and property protection" as stated in present law refers to life safety and property protection systems.

Proposed law directs the La. State Law Institute to arrange in alphabetical order and renumber certain definitions provided in present and proposed law.

Effective Jan. 1, 2019.

(Amends R.S. 40:1646(A) through (C), 1664.3(intro. para.), (4), and (37), 1664.9(A), (B)(intro. para.), (C)(intro. para.), (I), and (J), 1664.11(A)(intro. para.), (1)(a), and (D), and 1664.12(intro. para.) and (3); Adds R.S. 40:1646(E), 1664.3(62) through (67), 1664.9(B), (9), (10), and (C)(11), 1664.9(K), and 1664.10(9))