

CONFERENCE COMMITTEE REPORT

HB 653

2018 Regular Session

Simon

May 17, 2018

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 653 by Representative Simon, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Commerce, Consumer Protection and International Affairs (#3069) be adopted.
2. That the set of Senate Floor Amendments by Senator Peterson (#4016) be adopted.
3. That the set of Senate Floor Amendments by Senator Martiny (#3761) be adopted.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 7 by Senator Martiny (#3761), on page 1, line 32, after "Act" insert "and this Section"

AMENDMENT NO. 2

In Senate Floor Amendment No. 7 by Senator Martiny (#3761), on page 1, line 36, delete "this Act" and insert in lieu thereof "R.S. 40:1664.5(12) and R.S. 40:1664.16(C) as enacted by Section 1 of this Act and this Section"

Respectfully submitted,

Representative Scott M. Simon

Senator Daniel "Danny" Martiny

Representative Kirk Talbot

Senator Gregory Tarver

Representative Stephen E. Pugh

Senator Mack "Bodi" White, Jr.

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 653

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Keyword and oneliner of the instrument as it left the House

FIRE PROTECT/FIRE MARSHAL: Provides relative to conveyance devices

Report adopts Senate amendments to:

1. Add and define the term "false alarm".
2. Add that present law licensing exemptions are inapplicable to a person or entity selling, installing, servicing, or maintaining wireless security and fire systems.
3. Add the Qualified Elevator Inspectors Training Fund as an entity that may provide the Qualified Elevator Inspectors certification.
4. Authorize local governing authorities of municipalities or parishes to enact ordinances governing false alarm activations and responses. Further provide that security firms and security monitoring firms and respective employees are not liable for civil penalties imposed by a municipality or parish for false alarms.
5. Add certain special effectiveness provisions for present law and proposed law.
6. Make technical changes.

Report amends the bill to:

1. Clarify relative to special effectiveness provisions.

Digest of the bill as proposed by the Conference Committee

Present law provides for the Inspection of Life Safety Systems and Equipment. "Life safety systems and equipment" includes, nonexclusively, fire sprinklers, fire alarms, fire suppression, special locking systems and equipment, and portable fire extinguishers.

Proposed law expands present law to include application to conveyance devices. Adds other provisions relative to such devices including but not limited to certifications, construction, programming, and dismantling.

Present law provides for Life Safety and Property Protection Licensing.

Proposed law expands the applicability of present law licensing to include conveyance devices. Adds other provisions, including but not limited to certifications, construction, programming, and dismantling of such devices.

Present law provides for definitions. 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", and "false alarm".

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.

Present law requires the owner of life safety systems and equipment to cause an annual inspection and certification of the systems and equipment.

Proposed law expands the inspection and certification requirements of present law to include conveyance devices. Only with respect to conveyance devices, proposed law provides that an owner is required to cause such inspections and certifications effective July 1, 2024.

Proposed law provides that present law and proposed law do not apply to the owner of a building with two stories occupied by a single tenant wherein employees of the tenant are regularly inside of the building. Alternatively, proposed law requires the owner of such a two-story building to cause the inspection and certification of a conveyance device in five-year intervals, effective July 1, 2024.

Proposed law requires a licensed conveyance device mechanic to be onsite for the final acceptance inspection by a conveyance device inspector.

Present law provides that licensure requirements do not apply to any manufacturer, or his employee or representative, who acts as a consultant to a licensed firm in the certifying, inspecting, installation, integrating, selling, and servicing of life safety and property protection systems while under the direct supervision of the licensed firm.

Proposed law adds programming to the provisions of present law. Otherwise retains present law.

Present law provides that licensure requirements do not apply to a firm or person licensed by the State Licensing Board for Contractors to perform certain electrical work. Proposed law adds that this present law exemption is not applicable to a person or entity selling, installing, servicing, or maintaining wireless security and fire systems.

Proposed law provides that present law and proposed law are not applicable to conveyance devices located in one- or two-family dwellings.

Present law authorizes the fire marshal to assess and collect certain fees relative to license endorsements in 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 technical license endorsement for such devices.

Proposed law provides the following 2 technical 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 a person who obtains a technical license endorsement to receive certification developed and approved by the Life Safety and Property Protection Advisory Board or the fire marshal as provided for in present law, or one of the following as applicable:

- (1) Certified Elevator Technician (CET) certification provided by the National Association of Elevator Contractors.
- (2) Certification provided by the National Elevator Industry Educational Program.

- (3) Qualified Elevator Inspectors (QEI) certification provided by the National Association of Elevator Safety Authorities or the Qualified Elevator Inspectors Training Fund.

Proposed law provides that a person who currently holds a technical license endorsement, but has not acquired the required certification, is not prohibited from actively working pursuant to the issuance of the license endorsement, but such person is required to obtain at least one of the certifications described in proposed law within one year from the date the technical endorsement was issued. Provides the one year grace period ceases to be effective Jan. 1, 2022.

Proposed law requires continuing education for persons with technical endorsements to be developed and approved by the Life Safety and Property Protection Advisory Board or the fire marshal as provided for in present law.

Proposed law requires the owner of a conveyance device installed prior to July 1, 2019, except those exempt pursuant to present law and proposed law, to register the conveyance device with the office of state fire marshal. 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 powers to include the ordering of a special investigation of any conveyance device accident resulting in human injury or death. Provides for special investigations 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 five members of the board constitutes a quorum.

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 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 necessary for a quorum from five to eight.

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 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 authorizes local governing authorities of municipalities or parishes to enact ordinances governing false alarm activations and responses. Provides that security firms and security monitoring firms and respective employees are not liable for civil penalties and fines imposed by a municipality or parish for false alarms.

Proposed law exempts a municipality or parish from the provisions of present law and proposed law if the municipality or parish has adopted and is enforcing a nationally recognized standard or code for conveyance devices. Authorizes the municipality or parish to continue enforcing the national standard or code and requires no additional inspections. Further requires the national standard or code to contain requirements substantially equal to the fire marshal's code with respect to conveyance devices.

Effective Jan. 1, 2019.

(Amends R.S. 40:1646(A)-(C), 1664.3(intro. para.), (4), and (37), 1664.5, 1664.9(A), (C)(intro. para.), and (D)-(J), 1664.11(A)(intro. para.), (1)(a), and (D), and 1664.12(intro. para.) and (3); Adds R.S. 40:1646(E) and (F), 1664.3(62)-(68), 1664.9(C)(11), (K), and (L), 1664.10(9), 1664.16(C), and 1664.17)