HLS 18RS-748 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 653

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BY REPRESENTATIVE SIMON

FIRE PROTECT/FIRE MARSHAL: Provides relative to conveyance devices

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), 1664.9(B), (9), (10), and (C)(11), 1664.9(K), and 1664.10(9) are hereby enacted to read as 19 20 follows:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 <u>codes</u> , 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

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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, prewiring, 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:

applicable NFPA codes and standards NFPA, ASME, ANSI, and ASCE codes,

1	(1) Hoisting and lowering mechanisms, including elevators, platform lifts,
2	and stairway chair lifts equipped with a car or platform, which move between two
3	or more landings.
4	(2) Power-driven stairways and walkways, including escalators and moving
5	walks, for carrying persons between landings.
6	(3) Hoisting and lowering mechanisms, including dumbwaiters and material
7	lifts with dumbwaiters with automatic transfer devices equipped with a car, and
8	which serve two or more landings, and are restricted to the carrying of material by
9	their limited size or limited access.
10	(66) "Conveyance device inspector" means any person engaged in the
11	certification or inspection of a conveyance device.
12	(67) "Conveyance device mechanic" means any person engaged in the
13	erecting, constructing, installing, altering, servicing, dismantling, maintaining, or
14	testing of a conveyance device.
15	* * *
16	§1664.9. Fees; Louisiana Life Safety and Property Protection Trust Fund
17	A. The state fire marshal is authorized to assess and collect fees pursuant to
18	this Subpart. License endorsements are separated into the two general categories of
19	Property Protection and Life Safety. The Property Protection category is subdivided
20	into the Technical Endorsements of Locksmith, Door Hardware, and Security. The
21	Life Safety category is subdivided into the Technical Endorsements of Fire
22	Sprinkler, Fire Suppression, Fire Alarm, Portable Fire Extinguishers and Hoses,
23	Conveyance Devices, and DOT Hydrostatic Testing. Technical endorsements may
24	further be divided into specialty endorsements. A technical endorsement holder is
25	authorized to perform all life safety and property protection contracting authorized
26	by the specialty endorsements within the specific technical endorsement category.
27	Specialty endorsement holders are limited to only life safety and property protection
28	contracting authorized by that specialty endorsement.

1 B. The amount of licensing fees for a firm shall be are as follows: 2 3 (9) Technical Endorsement -4 Conveyance Device - Inspection \$50 \$250 5 (10) Technical Endorsement -6 Conveyance Device-Mechanical \$250 <u>\$50</u> 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 register the conveyance device with the office of state fire marshal within thirty days 18 19 of its installation. 20 H.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 J.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

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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	* * *

in the state general fund, shall pay an amount equal to the total amount of funds paid

1	D. Five Eight members of the board shall constitute a quorum for the
2	transaction of business. The board may take action by a majority vote of its
3	members present and voting.
4	* * *
5	§1664.12. Prohibited acts
6	No A person or firm shall not do any of the following:
7	* * *
8	(3) Certify, dismantle, inspect, install, integrate, program, sell, or service life
9	safety and property protection systems contrary to plans submitted for review,
10	applicable NFPA, ASME, ANSI, or ASCE codes, standards, or manufacturer's
11	manufacturer specifications without specific written authorization from the office of
12	the state fire marshal.
13	Section 2. The Louisiana State Law Institute is hereby authorized and directed to
14	arrange in alphabetical order and renumber the definitions provided in R.S. 40:1664.3.
15	Section 3. The provisions of this Act shall become effective January 1, 2019.

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)]

HB 653 Original

2018 Regular Session

Simon

Abstract: Expands applicability of law to conveyance devices and includes such devices as life safety systems and equipment under the authority of the state fire marshal.

Present law (R.S. 40:1646 et seq.) provides for the Inspection of Life Safety Systems and Equipment. Provides "life safety systems and equipment" includes but is not limited to 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.

<u>Proposed law</u> expands the applicability of <u>present law</u> 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.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

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

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

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

<u>Proposed law</u> 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.

<u>Present law</u> 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.

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

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> requires the owner of a conveyance device installed prior to July 1, 2019, except those exempt pursuant to <u>present law</u>, 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.

<u>Proposed law</u> 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.

<u>Present law</u> provides for the Life Safety and Property <u>Advisory</u> 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.

<u>Proposed law</u> amends <u>present law</u> to provide for the Life Safety and Property <u>Education</u> Board. Increases the number of board members <u>from</u> 13 <u>to</u> 15. Increases the number of members to be appointed by the governor <u>from</u> 12 <u>to</u> 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 <u>from</u> 5 <u>to</u> 8.

<u>Present law</u> 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.

<u>Proposed law</u> 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 <u>present law</u> refers to life safety and property protection systems.

<u>Proposed law</u> 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))