

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), 1664.5(introductory paragraph) and (10), 1664.9(A), (C)(introductory

4 paragraph), and (D) through (J), 1664.11(A)(introductory paragraph), (1)(a), and

5 (D), and 1664.12(introductory paragraph) and (3) and to enact R.S. 40:1646(E),

6 1664.3(62) through (67), 1664.9(C)(11), (K), and (L), 1664.10(9), and 1664.17,

7 relative to life safety systems and equipment under the authority of the state fire

8 marshal; to provide for the inclusion of conveyance devices and related regulatory

9 provisions; to add and expand with respect to certain definitions; to provide with

10 respect to certain license endorsements and related fees; to amend relative to a

11 certain board; to require certifications; to provide exemptions relative to local

12 governing authorities; to provide for effectiveness; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:1646(A) through (C), 1664.3(introductory paragraph), (4), and

15 (37), 1664.5(introductory paragraph) and (10), 1664.9(A), (C)(introductory paragraph), and

16 (D) through (J), 1664.11(A)(introductory paragraph), (1)(a), and (D), and

17 1664.12(introductory paragraph) and (3) are hereby amended and reenacted and R.S.

18 40:1646(E), 1664.3(62) through (67), 1664.9(C)(11), (K), and (L), 1664.10(9), and 1664.17

19 are hereby enacted to read as 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 or a qualified representative shall be onsite for the final acceptance  
17 inspection by a conveyance device 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 into the Technical Endorsements of Locksmith, Door Hardware, and Security. The  
 2 Life Safety category is subdivided into the Technical Endorsements of Fire  
 3 Sprinkler, Fire Suppression, Fire Alarm, Portable Fire Extinguishers and Hoses,  
 4 Conveyance Devices, and DOT Hydrostatic Testing. Technical endorsements may  
 5 further be divided into specialty endorsements. A technical endorsement holder is  
 6 authorized to perform all life safety and property protection contracting authorized  
 7 by the specialty endorsements within the specific technical endorsement category.  
 8 Specialty endorsement holders are limited to only life safety and property protection  
 9 contracting authorized by that specialty endorsement.

10 \* \* \*

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

12 \* \* \*

13 (11) Technical Endorsement - Conveyance Device

14 <u>(a) Conveyance Device Inspector</u>	<u>\$100</u>	<u>\$50</u>
---	--------------	-------------

15 <u>(b) Conveyance Device Mechanic</u>	<u>\$100</u>	<u>\$50</u>
--	--------------	-------------

16 D.(1) The technical endorsements provided for in Paragraph (C)(11) of this  
 17 Section shall be issued to a person who has received at least one of the following  
 18 certifications:

19 (a) Certified Elevator Technician (CET) certification provided by the  
 20 National Association of Elevator Contractors.

21 (b) Certification provided by the National Elevator Industry Educational  
 22 Program.

23 (c) Qualified Elevator Inspectors (QEI) certification provided by the  
 24 National Association of Elevator Safety Authorities.

25 (2) A person who currently holds a technical endorsement provided for in  
 26 Paragraph (C)(11) of this Section, but has not acquired the certification described in  
 27 Paragraph (1) of this Subsection, is not prohibited from actively working pursuant  
 28 to the issuance of the license endorsement, but such person is required to obtain at  
 29 least one of the certifications within three years from the date the person receives

1 notice from the office of state fire marshal that such person is required to comply  
2 with the provisions of this Subsection.

3 ~~D.~~ E. All licenses are valid for one year, unless a multi-year license is  
4 created, and shall be renewed within thirty days of its expiration date to remain valid.  
5 The state fire marshal may create a prorated fee system to allow employee license  
6 renewal dates to coincide with the firm license renewal date.

7 ~~E.~~ F. A license not renewed within thirty days of its expiration date shall be  
8 considered past due and subject to late fees. The late fee penalty shall be twenty-five  
9 dollars for a license not renewed before thirty-one to forty-five days past the  
10 expiration date and fifty dollars for a license not renewed before forty-six to sixty  
11 days past the expiration date.

12 ~~F.~~ G. A license shall be suspended if not renewed within sixty days of its  
13 expiration date or if the license holder has not maintained the license. The cost to  
14 reinstate a suspended license shall be the cost of the initial fees plus twenty dollars.

15 ~~G.~~ H. The cost for a duplicate or replacement firm or individual license is  
16 twenty dollars, regardless of how many endorsements are carried.

17 ~~H.~~ I. The cost to transfer an individual license from one firm to another is  
18 twenty dollars.

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

21 ~~J.(1)~~ K.(1) The owner or his designee of an installed conveyance device,  
22 except those exempt pursuant to R.S. 40:1664.5(B), shall register the conveyance  
23 device with the office of state fire marshal.

24 (2) A firm that installs a conveyance device shall register the conveyance  
25 device with the office of state fire marshal within thirty days of its installation.

26 L.(1) Subject to the exceptions contained in Article VII, Section 9 of the  
27 Constitution of Louisiana, all monies received by the state fire marshal pursuant to  
28 this Subpart, including but not limited to fees and fines, shall be deposited  
29 immediately upon receipt in the state treasury and shall be credited to the Bond

1 Security and Redemption Fund. Out of the funds remaining in the Bond Security  
 2 and Redemption Fund after a sufficient amount is allocated from that fund to pay all  
 3 obligations secured by the full faith and credit of the state which become due and  
 4 payable within any fiscal year, the treasurer, prior to placing such remaining funds  
 5 in the state general fund, shall pay an amount equal to the total amount of funds paid  
 6 into the state treasury by the state fire marshal pursuant to this Subpart into a special  
 7 fund which is hereby created in the state treasury and designated as the Louisiana  
 8 Life Safety and Property Protection Trust Fund.

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

17 §1664.10. Powers and duties of state fire marshal

18 The state fire marshal shall:

19 \* \* \*

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

23 §1664.11. Life Safety and Property Protection ~~Advisory~~ Education Board

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

28 (1)(a) ~~Twelve~~ Fourteen members shall be appointed by the governor from  
 29 a list of nominees submitted to the governor by any licensed firm, the Louisiana Life

1 Safety and Security Association, the Louisiana Fire Sprinkler Association, ~~and~~ the  
2 Louisiana Automatic Fire Alarm Association, or any conveyance device trade  
3 association.

4 \* \* \*

5 D. ~~Five~~ Eight members of the board shall constitute a quorum for the  
6 transaction of business. The board may take action by a majority vote of its  
7 members present and voting.

8 \* \* \*

9 §1664.12. Prohibited acts

10 ~~No~~ A person or firm shall not do any of the following:

11 \* \* \*

12 (3) Certify, ~~dismantle,~~ inspect, install, integrate, program, sell, or service life  
13 safety and property protection systems contrary to plans submitted for review,  
14 applicable NFPA, ASME, ANSI, or ASCE codes, standards, or ~~manufacturer's~~  
15 manufacturer specifications without specific written authorization from the office of  
16 the state fire marshal.

17 \* \* \*

18 §1664.17. Local governing authorities; exemption

19 A municipality or parish that has adopted and is enforcing a nationally  
20 recognized standard or code for conveyance devices may continue to enforce such  
21 standard or code, and in such instances, no additional inspections shall be required  
22 under the provisions of this Subpart; however, such standard or code shall contain  
23 requirements that are substantially equal to the fire marshal's code with respect to  
24 conveyance devices.

25 Section 2. The state fire marshal is authorized to cause the inspection, certification,  
26 and testing described in R.S. 40:1646(A) upon the effective date of this Act until July 1,  
27 2024.



1 Section 3. The registration required in R.S. 40:1664.9(K)(1) as enacted by Section  
2 1 of this Act shall be applicable to the owner or his designee of a conveyance device  
3 installed prior to July 1, 2019.

4 Section 4. The registration required in R.S. 40:1664.9(K)(2) as enacted by Section  
5 1 of this Act shall be applicable to a firm that installs a conveyance device on or after July  
6 1, 2019.

7 Section 5. 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 Engrossed

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.

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".

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 or a qualified representative 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, and 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 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 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 at least one of the following certifications:

(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.

Further 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 three years from the date the person receives notice from the fire marshal that such person is required to become certified.

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 exempts a municipality or parish from the provisions of present law and proposed law if such 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(intro. para.) and (10), 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), 1664.3(62) - (67), 1664.9(C)(11), (K), and (L), 1664.10(9), and 1664.17)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Provide that a qualified representative is an authorized person to be onsite for a conveyance device inspector's final acceptance inspection.
2. Add to present law that licensure requirements do not apply to any manufacturer, and his employee or representative, who acts as a consultant to a licensed firm in the programming of life safety and property protection systems under the direct supervision of the licensed firm.
3. Require persons who obtain technical license endorsements to receive at least one of the following certifications:
  - (a) Certified Elevator Technician (CET) certification provided by the National Association of Elevator Contractors.
  - (b) Certification provided by the National Elevator Industry Educational Program.
  - (c) Qualified Elevator Inspectors (QEI) certification provided by the National Association of Elevator Safety Authorities.
4. Provide 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 within three years from the date the person receives notice from the office of state fire marshal that such person is required to become certified.

5. Exempt a municipality or parish from the provisions of present law and proposed law if such municipality or parish has adopted and is enforcing a nationally recognized standard or code for conveyance devices.
6. Authorize such a municipality or parish to continue to enforce the national standard or code and requires no additional inspections.
7. Require the national standard or code to contain requirements substantially equal to the fire marshal's code with respect to conveyance devices.
8. Authorize the fire marshal to inspect, certify, and test conveyance devices according to present law and proposed law upon the effective date of the proposed legislation until July 1, 2024.
9. Require the owner or his designee of a conveyance device installed prior to July 1, 2019 to register the conveyance device in compliance with proposed law.
10. Require a firm that installs a conveyance device on or after July 1, 2019 to register the conveyance device in compliance with proposed law.
11. Make technical changes.