

GREEN SHEET REDIGEST

HB 653

2018 Regular Session

Simon

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

FIRE PROTECT/FIRE MARSHAL: Provides relative to conveyance devices

DIGEST

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".

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 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, 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.

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 provides that present law and proposed law do not apply to any conveyance device that is located in a building not open to the public and that is utilized primarily for the carrying of freight.

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 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) - (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.

The House Floor Amendments to the engrossed bill:

1. Provide that present law and proposed law are not applicable to the owner of a two-story building occupied by a single tenant wherein employees of the tenant are regularly inside of the building.
2. Require 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.
3. Remove proposed law authorizing a qualified representative to be onsite for a conveyance device inspector's final acceptance inspection.
4. Add the following inspection provisions applicable only to conveyance devices:
 - (a) If the fire marshal finds the owner has failed to comply with present law and proposed law, the fire marshal is required to order the owner's compliance.
 - (b) If the fire marshal finds a conveyance device to be inoperable or not in compliance with applicable safety standards, the fire marshal is required to order the owner to have the conveyance device inspected and brought into compliance.
 - (c) The fire marshal is required to first issue a warning to an owner who is ordered to comply with an order of the fire marshal.
5. Provide that the entirety of present law and proposed law does not apply to conveyance devices located in one- or two-family dwellings.

6. Add that a person seeking a technical endorsement for conveyance devices may obtain required certification developed and approved by the Life Safety and Property Protection Advisory Board or the fire marshal.
7. Require 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.
8. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Exempts from present law and proposed law any conveyance device located in a building not open to the public and that is utilized primarily for the carrying of freight.
2. Adds the Qualified Elevator Inspectors Training Fund as an entity that may provide the Qualified Elevator Inspectors certification.