

**ACT No. 598**

2018 Regular Session

HOUSE BILL NO. 653

BY REPRESENTATIVE SIMON

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, 1664.9(A), (C)(introductory paragraph), and (D) through (J),  
4 1664.11(A)(introductory paragraph), (1)(a), and (D), and 1664.12(introductory  
5 paragraph) and (3) and to enact R.S. 40:1646(E) and (F), 1664.3(62) through (68),  
6 1664.9(C)(11), (K), and (L), 1664.10(9), 1664.16(C), and 1664.17, relative to life  
7 safety systems and equipment under the authority of the state fire marshal; to provide  
8 for the inclusion of conveyance devices and related regulatory provisions; to add and  
9 expand with respect to certain definitions; to provide with respect to certain license  
10 endorsements and related fees; to amend relative to a certain board; to require  
11 certifications; to provide exemptions relative to local governing authorities; to  
12 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, 1664.9(A), (C)(introductory paragraph), and (D) through (J),  
16 1664.11(A)(introductory paragraph), (1)(a), and (D), and 1664.12(introductory paragraph)  
17 and (3) are hereby amended and reenacted and R.S. 40:1646(E) and (F), 1664.3(62) through  
18 (68), 1664.9(C)(11), (K), and (L), 1664.10(9), 1664.16(C), and 1664.17 are hereby enacted  
19 to read as follows:

20 §1646. State fire marshal; owners; life safety systems and equipment inspections;

21 exceptions

22 A. The fire marshal is authorized to cause the inspection, certification, and  
23 testing of all life safety systems and equipment in the state, whether in public or

1 private buildings, during installation or immediately after installation to determine  
 2 compliance with applicable codes, standards, and manufacturer specifications.

3 B.(1) The owner of any building containing a life safety system and  
 4 equipment shall cause at a minimum an annual inspection and certification to be  
 5 made of the life safety system and equipment in that building to assure compliance  
 6 with applicable safety standards and to determine whether structural changes in the  
 7 building or in the contents of the building mandate alteration of a system.

8 (2)(a) The provisions of this Subsection shall not apply to the owner of a  
 9 building with two stories occupied by a single tenant wherein employees of the  
 10 tenant are regularly inside of the building. The building described in this Paragraph  
 11 shall not be construed to include a one- or two-family dwelling as defined in R.S.  
 12 40:1573.

13 (b) The owner of a building described in this Paragraph shall cause, at a  
 14 minimum, a safety test of the conveyance device in five-year intervals to assure  
 15 compliance with applicable safety standards and to determine whether structural  
 16 changes in the building or in the contents of the building mandate alteration of the  
 17 conveyance device.

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

21 \* \* \*

22 E. A licensed conveyance device mechanic shall be onsite for the final  
 23 acceptance inspection by a conveyance device inspector.

24 F. The provisions of this Subsection apply only to inspections of conveyance  
 25 devices.

26 (1) When the fire marshal finds that the owner has failed to comply with the  
 27 provisions of this Section, he shall order the owner's compliance.

1           (2) When the fire marshal finds a conveyance device to be inoperable or not  
2           in compliance with applicable safety standards, he shall order the owner to have the  
3           conveyance device inspected and brought into compliance with applicable safety  
4           standards.

5           (3) Whoever fails to comply with an order issued by the fire marshal shall  
6           be first issued a warning and ordered to comply with such order.

7   \*       \*       \*

8           §1664.3. Definitions

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

11   \*       \*       \*

12           (4) "Certify" means to attest to the proper functionality, inspection,  
13           installation, integration, programming, and service of life safety and property  
14           protection systems and equipment in accordance with all applicable engineered  
15           specifications, ~~manufacturer's~~ manufacturer specifications, and submitted plans and  
16           per the inspection, ~~testing~~, testing and maintenance chapters as set forth in the  
17           applicable ~~NFPA codes and standards~~ NFPA, ASME, ANSI, and ASCE codes,  
18           standards, and manufacturer specifications.

19   \*       \*       \*

20           (37)(a) "Life safety and property protection contracting" means performing  
21           certification, inspection, installation, integration, programming, sale, or service of  
22           systems and equipment designed to protect life and property. Life safety and  
23           property protection systems and equipment include but ~~is~~ are not limited to  
24           mechanical or electronic locks, special locking systems and equipment, security  
25           systems and equipment, fire sprinkler systems and equipment, fire detection and  
26           alarm systems and equipment, fire suppression systems and equipment, and portable  
27           fire extinguishers, ~~and~~ fire hoses, and conveyance devices. Life safety and property  
28           protection contracting includes but is not limited to the sale, lease, rent, planning  
29           with the intent to prewire, rewiring, hydrostatic testing, erection, construction,  
30           dismantling, maintenance, repair, testing, modification, improvement, or alteration

1 of life safety systems and ~~equipment~~; equipment, holding oneself or one's firm out  
2 for hire to perform any such ~~task~~; task, or otherwise offering to perform any such  
3 task for compensation, either directly or indirectly.

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

9 \* \* \*

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

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

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

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

15 (a) Hoisting and lowering mechanisms, including elevators, platform lifts,  
16 and stairway chair lifts equipped with a car or platform, which move between two  
17 or more landings.

18 (b) Power-driven stairways and walkways, including escalators and moving  
19 walks, for carrying persons between landings.

20 (c) Hoisting and lowering mechanisms, including dumbwaiters and material  
21 lifts with dumbwaiters with automatic transfer devices equipped with a car, and  
22 which serve two or more landings, and are restricted to the carrying of material by  
23 their limited size or limited access.

24 (66) "Conveyance device inspector" means any person engaged in the  
25 certification or inspection of a conveyance device.

26 (67) "Conveyance device mechanic" means any person engaged in the  
27 erecting, constructing, installing, altering, servicing, dismantling, maintaining, or  
28 testing of a conveyance device.

29 (68) "False alarm" means a security alarm signal eliciting a response by  
30 police when a situation requiring such a response does not exist, including but not

1 limited to the activation or transmission of any alarm signal caused by human error,  
 2 mechanical or electronic malfunction, negligence of the alarm system user or user's  
 3 agent or employee, whether or not the exact cause of the alarm activation is  
 4 determined, or any other activation or transmission of any alarm signal where no  
 5 actual police emergency exists.

6 \* \* \*

7 §1664.5. Exemptions to licensure and equipment

8 A. The requirements for licensure shall not apply to any of the following  
 9 persons or entities:

10 (1) An officer or employee of the United States, this state, or any political  
 11 subdivision of either, while engaged in the performance of his official duties within  
 12 the course and scope of his employment with the United States, this state, or any  
 13 political subdivision of either. However, no person or entity excepted from licensure  
 14 pursuant to this Subpart shall engage in the certification, inspection, installation,  
 15 integration, sale, or service of special locking, fire detection and alarm, fire sprinkler,  
 16 fire suppression systems, or portable fire extinguishers and fire hoses.

17 (2) Any sworn police, fire, or other peace officer or certified medical  
 18 technician may open any lock or locked motor vehicle while engaged in the  
 19 performance of his official duties within the course and scope of his employment,  
 20 provided that he receives no additional compensation for such services.

21 (3) Any owner, management firm, or public institution and such person's or  
 22 entity's employees while such person or entity is certifying, inspecting, installing,  
 23 integrating, selling, and servicing mechanical locks, intrusion alarm systems, or  
 24 closed circuit television alarm systems, only on the premises of the owner or public  
 25 institution during the normal course and scope of his duties.

26 (4) A general contractor licensed by the State Licensing Board for  
 27 Contractors and his direct employees or a building owner and his direct employees  
 28 performing the installation or removal of complete mechanical lock sets when doing  
 29 so in the course of residential or commercial new construction or remodeling.

1 (5) Any automotive service dealer, lock manufacturer, or manufacturer's  
2 employee engaged in servicing, installing, repairing, or rebuilding automotive locks.

3 (6) Any employee of a towing service, or an automobile club, while such  
4 person is opening automotive locks in the normal course of his duties.

5 (7) Any merchant or retail store that is in the business of selling, servicing,  
6 or installing intrusion alarms for motor vehicles. This exception from licensure shall  
7 also apply to the employees of the merchant or retail store but only as to work  
8 performed by them on behalf of the exempted employer.

9 (8) Any merchant or retail store that is in the business of selling intrusion  
10 alarm systems or closed circuit television systems or household fire warning systems  
11 at retail to an individual end user for self-installation. This exception from licensure  
12 shall also apply to the employees of the merchant or retail store but only as to work  
13 performed by them on behalf of the exempted employer.

14 (9) Any merchant or retail store that is in the business of re-coding new locks  
15 on the retail premises only or duplicating keys, except for those keys which are  
16 proprietary and those marked "do not duplicate" or "master key". This exception  
17 from licensure shall also apply to the employees of the merchant or retail store but  
18 only as to work performed by them on behalf of the exempted employer.

19 (10) Any manufacturer, and his employee or representative, who acts as a  
20 consultant to a licensed firm in the certifying, inspecting, installation, integrating,  
21 programming, selling, and servicing of life safety and property protection systems  
22 regulated by this Subpart while under the direct supervision of the licensed firm.

23 (11) Any gate manufacturer or merchant that is in the business of installing,  
24 servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage  
25 door devices. This exception from licensure shall also apply to the employees of the  
26 manufacturer or merchant but only as to work performed by them on behalf of the  
27 exempted employer.

28 (12) A firm or person licensed to perform electrical work by the State  
29 Licensing Board for Contractors pursuant to R.S. 37:2156.1 and 2156.2 which  
30 installs wire, conduit, or other wire raceways, its associated boxes or fittings, or

1 installs fire alarm initiating and notification devices or intrusion alarm systems or  
 2 closed circuit television systems or special locking systems in either commercial or  
 3 residential property. This exception from licensure shall also apply to the employees  
 4 of a firm or person exempted by this Subpart, but only as to work performed by them  
 5 on behalf of the exempted employer. The provisions of this Paragraph shall not  
 6 apply to a person or entity selling, installing, servicing, or maintaining wireless  
 7 security and fire systems.

8 (13) A mechanical contractor licensed by the State Licensing Board for  
 9 Contractors and holding a statewide mechanical work license classification issued  
 10 by that board or, where applicable, a plumber licensed by the State Plumbing Board  
 11 who only certifies, inspects, installs, and services water supply piping supplying  
 12 sprinkler systems, stand pipe, and hose station systems, or fire pumps.

13 (14) A mechanical contractor licensed by the State Licensing Board for  
 14 Contractors and holding a statewide mechanical work license classification issued  
 15 by that board or, where applicable, a plumber licensed by the State Plumbing Board  
 16 who only installs piping within a fixed fire suppression system.

17 B. The provisions of this Subpart shall not apply to a conveyance device  
 18 located within a one- or two-family dwelling as defined in R.S. 40:1573.

19 \* \* \*

20 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana  
 21 Life Safety and Property Protection Trust Fund

22 A. The state fire marshal is authorized to assess and collect fees pursuant to  
 23 this Subpart. License endorsements are separated into the two general categories of  
 24 Property Protection and Life Safety. The Property Protection category is subdivided  
 25 into the Technical Endorsements of Locksmith, Door Hardware, and Security. The  
 26 Life Safety category is subdivided into the Technical Endorsements of Fire  
 27 Sprinkler, Fire Suppression, Fire Alarm, Portable Fire Extinguishers and Hoses,  
 28 Conveyance Devices, and DOT Hydrostatic Testing. Technical endorsements may  
 29 further be divided into specialty endorsements. A technical endorsement holder is  
 30 authorized to perform all life safety and property protection contracting authorized

1 by the specialty endorsements within the specific technical endorsement category.  
2 Specialty endorsement holders are limited to only life safety and property protection  
3 contracting authorized by that specialty endorsement.

4 \* \* \*

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

6 \* \* \*

7 (11) Technical Endorsement - Conveyance Device

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

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

10 D.(1) The technical endorsements provided for in Paragraph (C)(11) of this  
11 Section shall be issued to a person who has received certification developed and  
12 approved in accordance with R.S. 40:1664.11(G) or (H), or one of the following as  
13 applicable:

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

16 (b) Certification provided by the National Elevator Industry Educational  
17 Program.

18 (c) Qualified Elevator Inspectors (QEI) certification provided by the  
19 National Association of Elevator Safety Authorities or the Qualified Elevator  
20 Inspectors Training Fund.

21 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a  
22 person may obtain a technical endorsement as provided for in Paragraph (C)(11) of  
23 this Section and shall not be prohibited from actively working pursuant to the  
24 issuance of the license endorsement; however, such person shall obtain the  
25 certification as required in Paragraph (1) of this Subsection within one year from the  
26 date the technical endorsement was issued.

27 (3) All continuing education requirements developed and approved for  
28 persons who hold technical endorsements provided for in Paragraph (C)(11) of this  
29 Section shall be in accordance with R.S. 40:1664.11(G) or (H).



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

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

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

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

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

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

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

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

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

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

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

14 §1664.10. Powers and duties of state fire marshal

15 The state fire marshal shall:

16 \* \* \*

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

20 §1664.11. Life Safety and Property Protection ~~Advisory~~ Education Board

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

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

30 \* \* \*

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 \* \* \*

14 §1664.16. Effect on local regulation, effective date

15 \* \* \*

16 C. This Subpart shall not prevent local governing authorities of any  
17 municipality or parish from enacting ordinances governing false alarm activations  
18 and responses. However, security firms and its employees and security monitoring  
19 firms and its employees shall not be subjected to or liable for civil penalties and fines  
20 assessed or imposed by a municipality or parish for false alarms.

21 §1664.17. Local governing authorities; exemption

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

28 Section 2. The registration required in R.S. 40:1664.9(K)(1) as enacted by Section  
29 1 of this Act shall be applicable to the owner or his designee of a conveyance device  
30 installed prior to July 1, 2019.

1           Section 3. The registration required in R.S. 40:1664.9(K)(2) as enacted by Section  
2 1 of this Act shall be applicable to a firm that installs a conveyance device on or after July  
3 1, 2019.

4           Section 4. The inspection and certification requirements of R.S. 40:1646(B)(1) as  
5 amended and reenacted by Section 1 of this Act shall be applicable to the owner of a  
6 building containing a conveyance device effective July 1, 2024.

7           Section 5. R.S. 40:1646(B)(2)(b) and (F) as enacted by Section 1 of this Act shall  
8 become effective on July 1, 2024.

9           Section 6. R.S. 40:1664.9(D)(2) as enacted by Section 1 of this Act shall cease to  
10 be effective on January 1, 2022.

11           Section 7. R.S. 40:1664.5(12) and R.S. 40:1664.16(C) as enacted by Section 1 of this  
12 Act and this Section shall become effective upon signature by the governor or, if not signed  
13 by the governor, upon expiration of the time for bills to become law without signature by the  
14 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed  
15 by the governor and subsequently approved by the legislature, R.S. 40:1664.5(12) and R.S.  
16 40:1664.16(C) as enacted by Section 1 of this Act and this Section shall become effective  
17 on the day following such approval.

18           Section 8. The remaining provisions of this Act shall become effective January 1, 2019.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_