

2020 Regular Session

HOUSE BILL NO. 603

BY REPRESENTATIVE DAVIS

FIRE PROTECT/FIRE MARSHAL: Provides for the registration of short-term rental dwellings with the office of state fire marshal

1 AN ACT

2 To enact R.S. 40:1584, relative to the registration of short-term rental dwelling units; to
3 provide certain definitions; to provide the requirements for the registration and
4 renewal of short-term rental dwelling units; to provide for with respect to the
5 registration and renewal fees for short-term rental dwelling units; to impose fees; to
6 provide penalties; to authorize the promulgation of rules and regulations; to provide
7 for applicability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1584 is hereby enacted to read as follows:

10 §1584. Short-term rental dwelling unit standards

11 A. This Section sets forth standards governing the short-term rental of
12 dwelling units, and establishes requirements and enforcement mechanisms intended
13 to regulate owners engaged in the business of renting dwelling units using a
14 platform.

15 B. As used in this Section, the following terms have the meaning ascribed
16 to them in this Subsection unless the context clearly indicates otherwise:

17 (1) "Booking transaction" means any contractual agreement between a guest
18 and an owner relative to a short-term rental dwelling unit.

1 (2) "Dwelling unit" means a room or group of rooms providing complete,
2 independent living facilities, including permanent provisions for living, sleeping,
3 eating, cooking, and sanitation, for the use and enjoyment of one or more persons.

4 (3) "Guest" means any person, other than an owner, who occupies a short-
5 term rental dwelling unit.

6 (4) "Owner" means a person who owns at least fifty percent interest in a
7 short-term rental dwelling unit.

8 (5) "Platform" means one or more portals, listing services, or websites under
9 common ownership or control through which a person, other than an owner, collects
10 or receives a fee, directly or indirectly, for facilitating booking transactions.

11 (6) "Short-term rental dwelling unit" means a dwelling unit, or any portion
12 thereof, used by a guest for a period of not more than twenty-nine consecutive days
13 per booking transaction.

14 C.(1) An owner of a short-term rental dwelling unit shall not complete a
15 booking transaction on a platform unless the owner has an up-to-date registration of
16 the short-term rental dwelling unit with the office of state fire marshal.

17 (2) The registration shall be submitted electronically on forms created by the
18 office of state fire marshal, which shall require all of the following information:

19 (a) The name, address, phone number, and email contact information of the
20 owner.

21 (b) The municipal address of the short-term rental dwelling unit.

22 (c) A list of platforms that will be used to solicit booking transactions for the
23 short-term rental dwelling unit and URL links soliciting the short-term rental
24 dwelling unit, if any.

25 (d) The number of sleeping rooms located within the short-term rental
26 dwelling unit.

27 (e) The maximum number of occupants allowed to occupy the short-term
28 rental dwelling unit.

1 (f) An attestation that the following life safety features are present within the
2 short-term rental dwelling unit:

3 (i) Smoke alarms.

4 (ii) Carbon monoxide detectors.

5 (iii) Unobstructed exits.

6 (iv) Fire extinguishers.

7 (v) A map posted on the back of the main entry door indicating where the
8 exits are located in case of fire or other emergency.

9 (g) Whether the owner will submit payment for an annual or five-year
10 registration.

11 (3) Renewals shall be submitted in the same or substantially similar form and
12 manner as the initial registration. Renewals shall also require updated contact
13 information, if applicable, and an updated list of platforms that are used to solicit
14 booking transactions for the short-term rental dwelling unit.

15 D. The office of state fire marshal shall establish and collect the initial
16 registration fee and renewal fee. The initial annual registration fee shall be five
17 dollars and the annual renewal fee shall be five dollars. The initial five-year
18 registration fee shall be twenty dollars and the five-year renewal fee shall be twenty
19 dollars.

20 E.(1) An owner who completes a booking transaction on a platform and has
21 failed to register or renew the registration of the short-term rental dwelling unit shall
22 be subject to the following penalties:

23 (a) For the first violation, a warning letter.

24 (b) For a second violation, a civil penalty not to exceed five hundred dollars.

25 (c) For a third and each subsequent violation, a civil penalty not to exceed
26 one thousand dollars.

27 (2) All monies collected pursuant to this Subsection shall be made payable
28 to the office of state fire marshal, code enforcement and building safety.

1 F. The office of state fire marshal may promulgate rules and regulations, in
2 accordance with the Administrative Procedure Act, as are necessary to implement
3 the provisions of this Section, including regulations regarding enforcement of the
4 assessment and collection of all fees and penalties, investigations, and hearings.

5 G.(1) The provisions of this Section shall not be construed as an exception
6 to compliance with the applicable building and safety codes as provided for in R.S.
7 40:1578.6.

8 (2) The provisions of this Section shall not be construed to affect or preempt
9 any zoning ordinance of any local governmental subdivision.

10 (3) Nothing in this Section shall be construed to expand any zoning
11 ordinance with respect to residential property.

12 H. Subject to the exceptions contained in Article VII, Section 9 of the
13 Constitution of Louisiana, all monies received by the office of state fire marshal
14 pursuant to the provisions of this Section shall be deposited immediately into the
15 Louisiana Life Safety and Property Protection Trust Fund within the state treasury
16 as provided for in R.S. 40:1664.9.

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 603 Original

2020 Regular Session

Davis

Abstract: Defines "short-term rental dwelling unit" for purposes of registering with the office of state fire marshal and prohibits the owner of a short-term rental dwelling unit from completing a booking transaction unless the unit is registered.

Proposed law defines "booking transaction" as any contractual agreement between a guest and an owner of a short-term rental dwelling unit and a "short-term rental dwelling unit" as a dwelling unit used by a guest for a period of not more than 29 consecutive days per booking transaction.

Proposed law prohibits an owner of a short-term rental dwelling unit from using a platform to complete a booking transaction unless the owner has registered the unit with the office of state fire marshal.

Proposed law requires the initial registration to be submitted electronically on forms created by the office of state fire marshal. Further, proposed law requires the owner to renew the registration either annually or every 5 years.

Present law authorizes the office of state fire marshal to establish and collect certain fees.

Proposed law requires the owner to pay the following fees for the initial registration and renewal:

- (1) Initial annual registration: \$5
- (2) Annual renewal: \$5
- (3) Initial 5-year registration: \$20
- (4) 5-year renewal: \$20

Proposed law establishes the following penalties for an owner in violation of proposed law:

- (1) 1st violation: warning letter
- (2) 2nd violation: civil penalty not to exceed \$500
- (3) 3rd and each subsequent violation: civil penalty not to exceed \$1,000

Proposed law authorizes the office of state fire marshal to promulgate rules and regulations necessary to implement proposed law.

Proposed law authorizes the office of state fire marshal to assess penalties pursuant to proposed law.

Present law provides for rules compliance with certain building and safety codes. Proposed law retains present law.

Proposed law provides for the deposit of all monies received by the office of state fire marshal pursuant to proposed law into the Louisiana Life Safety and Property Protection Fund as provided for in present law.

(Adds R.S. 40:1584)