

2022 Regular Session

HOUSE BILL NO. 1039

BY REPRESENTATIVES MCKNIGHT AND DAVIS

FIRE PROTECT/FIRE MARSHAL: Provides relative to life safety and property protection systems

1 AN ACT

2 To amend and reenact R.S. 40:1664.9(J) through (N) and to enact R.S. 40:1664.9(O),
3 relative to life safety and property protection systems; to provide for the electronic
4 tagging of such systems using a Quick Response code decal; to provide for collecting
5 a fee to obtain a Quick Response code decal; to provide for effectiveness; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1664.9(J) through (N) are hereby amended and reenacted and R.S.
9 40:1664.9(O) is hereby enacted to read as follows:

10 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana

11 Life Safety and Property Protection Trust Fund

12 * * *

13 J. The cost of a Quick Response (QR) code decal for purposes of
14 electronically tagging life safety and property protection systems and equipment is
15 four dollars.

16 K. The fees established in this Section shall not be refundable except under
17 such conditions as the state fire marshal may establish.

18 ~~K.(1)~~L.(1) A temporary conveyance device mechanic license may be issued
19 by the office of state fire marshal upon receipt of either the following:

1 (a) An attestation from the requesting licensed conveyance device mechanic
2 firm that, despite its best efforts, there is an insufficient number of licensed
3 conveyance device mechanics needed to perform conveyance device mechanic
4 activities or an imminent increase in conveyance device mechanic activities.

5 (b) An attestation from the requesting licensed conveyance device mechanic
6 firm certifying that the person who seeks temporary licensure has an acceptable
7 combination of documented experience and education to perform conveyance device
8 mechanic activities without direct or immediate supervision as determined by the
9 office of state fire marshal.

10 (2) All attestations shall be submitted in the form of notarized affidavit.

11 (3) A temporary conveyance device mechanic license shall be valid for a
12 period of one hundred eighty days from the date of issuance and is valid only for the
13 work performed for the licensed conveyance device mechanic firm that requested the
14 temporary license pursuant to this Section.

15 (4) Temporary licenses may be approved by the office of state fire marshal
16 for renewal. The requesting licensed conveyance device mechanic firm shall provide
17 a notarized attestation to the office of state fire marshal certifying that, despite its
18 best efforts, there continues to be an insufficient number of licensed conveyance
19 device mechanics needed to perform conveyance device mechanic activities or an
20 imminent increase in conveyance device mechanic activities.

21 (5) The office of state fire marshal may refuse to renew a temporary license
22 for a person that the office determines has had adequate opportunity to obtain a
23 license pursuant to the provisions of this Subpart.

24 (6) Initial and renewal fees for temporary licenses shall be in accordance
25 with Subparagraphs (C)(11)(a) and (b) of this Section.

26 ~~E.(1)M.(1)~~ An emergency conveyance device mechanic license may be
27 issued by the office of state fire marshal when an emergency exists in the state due
28 to a natural disaster, as declared by the president of the United States or the
29 governor, or major work stoppage, and the requesting licensed conveyance device

1 mechanic firm submits an attestation to the office of state fire marshal certifying
2 each of the following:

3 (a) The number of licensed conveyance device mechanics in the state is
4 insufficient to cope with the emergency or work stoppage, creating a shortage.

5 (b) The shortage of licensed conveyance device mechanics in the state
6 jeopardizes the safety of the public.

7 (2) The requesting licensed conveyance device mechanic firm shall submit
8 an attestation to the office of state fire marshal certifying that the person who seeks
9 emergency licensure has an acceptable combination of documented experience and
10 education to perform conveyance device mechanic activities without direct or
11 immediate supervision as determined by the office of state fire marshal.

12 (3) The emergency license shall be valid for a minimum period of sixty days
13 from the date of issuance, shall entitle the licensee to the rights and privileges of a
14 licensed conveyance device mechanic, and is valid only for the work performed for
15 the licensed conveyance device mechanic firm that made the request pursuant to this
16 Section. The emergency license may be extended but shall not exceed three hundred
17 sixty-five days from the date of initial issuance, unless mitigating circumstances
18 regarding the emergency declaration or work stoppage exist and are formally
19 recognized by the state fire marshal and an extension of the emergency license is
20 determined to be necessary.

21 (4) All attestations shall be submitted in the form of a notarized affidavit.

22 (5) Initial and renewal fees for emergency licenses shall be in accordance
23 with Subparagraphs (C)(11)(a) and (b) of this Section.

24 ~~M.(1)N.(1)~~ The owner or his designee of an installed conveyance device,
25 except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device
26 with the office of state fire marshal.

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

1 ~~N.(1)~~O.(1) Subject to the exceptions contained in Article VII, Section 9 of
2 the Constitution of Louisiana, all monies received by the state fire marshal pursuant
3 to this Subpart, including but not limited to fees and fines, shall be deposited
4 immediately upon receipt in the state treasury and shall be credited to the Bond
5 Security and Redemption Fund. Out of the funds remaining in the Bond Security
6 and Redemption Fund after a sufficient amount is allocated from that fund to pay all
7 obligations secured by the full faith and credit of the state which become due and
8 payable within any fiscal year, the treasurer, prior to placing such remaining funds
9 in the state general fund, shall pay an amount equal to the total amount of funds paid
10 into the state treasury by the state fire marshal pursuant to this Subpart into a special
11 fund which is hereby created in the state treasury and designated as the Louisiana
12 Life Safety and Property Protection Trust Fund.

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

21 Section 2. R.S. 40:1664.9(O) is hereby enacted to read as follows:

22 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana
23 Life Safety and Property Protection Trust Dedicated Fund Account

24 ~~N.(1)~~O.(1) Subject to the exceptions contained in Article VII, Section 9 of
25 the Constitution of Louisiana, all monies received by the state fire marshal pursuant
26 to 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

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

8 (2) The monies in the Louisiana Life Safety and Property Protection Trust
9 Dedicated Fund Account shall be used solely for implementation, administration, and
10 enforcement of this Subpart, and thereafter, for fire education or emergency response
11 by the state fire marshal and only in the amounts appropriated each year to the state
12 fire marshal or the board by the legislature. Any surplus monies and interest
13 remaining to the credit of the account on June thirtieth of each year after all such
14 appropriations of the preceding fiscal year have been made shall remain to the credit
15 of the account, and no part thereof shall revert to the state general fund. Monies
16 deposited into the account shall be categorized as fees and self-generated revenue for
17 the sole purpose of reporting related to the executive budget, supporting documents,
18 and general appropriation bills and shall be available for annual appropriation by the
19 legislature.

20 Section 3. The provisions of Section 2 of this Act shall supercede the provisions of
21 Section 10 of Act No. 114 of the 2021 Regular Session of the Legislature that amend and
22 reenact R.S. 40:1164.9(N).

23 Section 4.(A) Section 2 of this Act shall become effective when Section 10 of Act
24 No. 114 of the 2021 Regular Session of the Legislature becomes effective.

25 (B) Sections 1 and 3 and this Section of this Act shall become effective upon
26 signature by the governor or, if not signed by the governor, upon expiration of the time for
27 bills to become law without signature by the governor, as provided by Article III, Section
28 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
29 by the legislature, this Act shall become effective on the day following such approval.

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 1039 Original

2022 Regular Session

McKnight

Abstract: Establishes a fee for electronically tagging life safety and property protection systems and equipment.

Present law provides for the assessment of fees to be collected by the state fire marshal.

Proposed law retains present law and provides for the assessment of a fee for electronically tagging life safety and property protection systems and equipment using a Quick Response (QR) code decal.

Provisions in proposed law relative to Louisiana Life Safety and Property Protection Trust Dedicated Fund Account supercede certain provisions of Act No. 114 of the 2021 R.S.

Effective upon signature of governor or lapse of time for gubernatorial action except that proposed law which renumbers not yet effective present law relative to Life Safety and Property Protection Trust Dedicated Fund Account becomes effective upon the effectiveness of Section 10 of Act No. 114 of the 2021 R.S. of the Legislature.

(Amends R.S. 40:1664.9(J)-(N); Adds R.S. 40:1664.9(O))