

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 211

2017 Regular Session

Gary Smith

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Creates the crime of engaging in life safety and property protection contracting without authority. (8/1/17)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provisions that fines collected be remitted to the La. Life Safety and Property Protection Fund.
2. Changes reference from "P.O.S.T. Council" to "Council on Peace Officer Standards and Training".
3. Makes technical corrections.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 211 Reengrossed

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Present law defines "life safety and property protection contracting" as performing certification, inspection, installation, integration, sale, or service of systems and equipment designed to protect life and property. Provides that life safety and property protection systems and equipment include, but is not limited to, mechanical or electronic locks, special locking systems and equipment, security systems and equipment, fire sprinkler systems and equipment, fire detection and alarm systems and equipment, fire suppression systems and equipment, and portable fire extinguishers, and fire hoses. Further provides that life safety and property protection contracting includes but is not limited to the sale, lease, rent, planning with the intent to prewire, rewiring, hydrostatic testing, maintenance, repair, testing, modification, improvement, or alteration of life safety systems and equipment; holding oneself or one's firm out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

Proposed law retains these provisions.

Present law prohibits a person who does not hold a current and valid license issued by the state fire marshal or firm from engaging in life safety and property protection contracting.

Proposed law makes it unlawful for any person to engage in the business of life safety and property protection contracting without an active license. Proposed law provides that it is sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in life safety and property protection contracting without authority from the office of state fire marshal.

Proposed law provides that violators are guilty of a misdemeanor and, upon conviction, are subject to imprisonment for not more than 90 days, a fine of not more than \$500 per day of the violation, or both.

Proposed law provides that notwithstanding any action taken by the office of state fire marshal, any person who does not possess a license as required by present law, and who violates any provision of proposed law and causes harm or damage to another in excess of \$500, upon conviction, is to be imprisoned for up to six months, fined between \$500 and \$5,000, or both. Proposed law provides that any fine assessed and collected pursuant to proposed law is to be remitted to the La. Life Safety and Property Protection Trust Fund.

Present law authorizes the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their official duties, to investigate and cause the arrest of individuals suspected of having committed various enumerated crimes enumerated in law.

Proposed law adds the crime of engaging in life safety and property protection contracting without authority to this list.

Proposed law authorizes the fire marshal, the first assistant fire marshal, and each deputy fire marshal to investigate and cause the arrest of any person suspected of having committed any offense connected to the investigation of any of the offenses enumerated in law, or connected to the investigation of a burn injury report submitted to the office of state fire marshal.

Effective August 1, 2017.

(Amends R.S. 40:1563.1(A)(20) and (C), (D), and (E); adds R.S. 14:206.1 and R.S. 40:1563.1(A)(21) and (F))

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