

2018 Regular Session

HOUSE BILL NO. 419

BY REPRESENTATIVE EDMONDS

FIRE PROTECT/FIRE MARSHAL: Provides relative to inspections of life safety systems and equipment

1 AN ACT

2 To amend and reenact R.S. 40:1646(A) and (B) and to enact R.S. 40:1646(E), relative to life  
3 safety systems and equipment; to authorize certifications relative to such systems and  
4 equipment; to provide for designated representatives; to provide for compliance; to  
5 provide penalties for violations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1646(A) and (B) are hereby amended and reenacted and R.S.  
8 40:1646(E) is hereby enacted to read as follows:

9 §1646. State fire marshal; owners; life safety systems and equipment inspections;  
10 penalties

11 A. The fire marshal or his designated representative is authorized to cause  
12 the inspection, certification, and testing of all life safety systems and equipment in  
13 the state, whether in public or private buildings, upon receipt of a complaint, during  
14 installation, or ~~immediately~~ after installation to determine compliance with  
15 applicable standards.

16 B. The owner of any building containing a life safety system and equipment,  
17 or the owner's designated representative, shall cause at a minimum an annual  
18 inspection or certification to be made of the life safety system and equipment in that  
19 building to assure compliance with applicable safety standards and to determine

1 whether structural changes in the building or in the contents of the building mandate  
2 alteration of a system.

3 \* \* \*

4 E.(1) Whenever the inspecting officer finds that the owner has failed to  
5 comply with the provisions of this Section, he shall order the owner to comply with  
6 the requirements of this Section.

7 (2) Whenever the inspecting officer finds life safety systems and equipment  
8 to be inoperable or not in compliance with applicable safety standards, the inspecting  
9 officer shall order the owner to have the life safety systems and equipment inspected  
10 and brought into compliance with applicable safety standards.

11 (3)(a) Whoever fails to comply with an order issued by the fire marshal may  
12 be issued a first warning and ordered to comply with the initial order.

13 (b) Whoever fails to comply with a second order issued by the fire marshal  
14 may be fined not more than five hundred dollars or imprisoned for not more than six  
15 months, or both.

16 (4) The fire marshal may authorize a fire prevention bureau to enforce the  
17 provisions of this Section. Nothing in this Section shall be construed to prevent the  
18 fire marshal from enforcing the provisions of R.S. 40:1621.

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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)]

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HB 419 Reengrossed

2018 Regular Session

Edmonds

**Abstract:** Authorizes designated representatives to cause certain inspections, testing, and certification of life safety systems and equipment and provides penalties for violations.

Present law authorizes the fire marshal to provide inspections and testing of all life safety systems and equipment in the state of La.

Proposed law retains present law.

Proposed law authorizes the fire marshal's certification of life safety systems. Provides that authorized actions of the fire marshal may be performed upon his receipt of a complaint. Authorizes the fire marshal's designee to perform inspections, testing, and certification.

Present law requires the owner of any building containing a life safety system and equipment to have an annual inspection of such system and equipment to assure compliance with applicable safety standards and related matters.

Proposed law retains present law.

Proposed law authorizes the fire marshal to provide certification of life safety systems and equipment within an owner's building. Authorizes the owner's designated representative to provide for the annual inspection or certification.

If an inspecting officer finds that the owner has failed to comply with the provisions of present and proposed law, proposed law requires the officer to order the owner's compliance.

If an inspecting officer finds life safety systems and equipment to be inoperable or not in compliance with applicable safety standards, proposed law requires the inspecting officer to order the owner to have the life safety systems and equipment inspected and brought into compliance with applicable safety standards.

Proposed law provides that persons who fail to comply with an order issued by the fire marshal may be given a warning and ordered to comply with the initial order. Provides that persons who fail to comply with a second order issued by the fire marshal may be fined not more than \$500 or imprisoned for not more than 6 months, or both.

Proposed law authorizes the fire marshal to allow fire prevention bureaus to enforce the provisions of present and proposed law.

Proposed law provides for nothing in present and proposed law to be construed to prevent the fire marshal from enforcing the provisions of present law (R.S. 40:1621).

(Amends R.S. 40:1646(A) and (B); Adds R.S. 40:1646(E))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Provide that a person who fails to comply with an order issued by the fire marshal may be issued a first warning and ordered to comply with the initial order.
2. Remove language relative to the fire marshal's authorized representative.
3. Give the fire marshal discretion relative to the issuance of criminal penalties for failure to comply with an order.
4. Provide that persons who fail to comply with a second order issued by the fire marshal may be fined not more than \$500 or imprisoned for not more than six months, or both.
5. Redesignate language relative to the fire marshal's authorization of fire prevention bureaus to enforce the provisions of present and proposed law.
6. Provide for nothing in present and proposed law to be construed to prevent the fire marshal from enforcing the provisions of present law (R.S. 40:1621).
7. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Remove language that would constitute each day's violation of an order as separate offense and punishable as such at the court's discretion.