

2020 Regular Session

HOUSE BILL NO. 683

BY REPRESENTATIVE COX

CONTRACTORS: Provides relative to life safety and property protection and conveyance device mechanic licenses

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AN ACT

To amend and reenact R.S. 40:1646(B), 1664.3(7), 1664.8, 1664.9(D)(3), (K), and (L), and 1664.11(B)(1), to enact R.S. 40:1664.5.1 and 1664.9(D)(4), (M), and (N), and to repeal R.S. 40:1664.5(A)(12), relative to life safety and property protection licensing; to provide relative to annual inspections of life safety and property equipment; to provide relative to exceptions for certain building owners; to provide limited exemption for electrical contractors; to provide relative to criminal background checks; to provide requirements for conveyance device mechanic license; to provide with respect to temporary and emergency conveyance device mechanic licenses; to provide for fees; to provide with respect to the Life Safety and Property Protection Education Board; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1646(B), 1664.3(7), 1664.8, 1664.9(D)(3), (K), and (L), and 1664.11(B)(1) are hereby amended and reenacted and R.S. 40:1664.5.1 and 1664.9(D)(4), (M), and (N) are enacted to read as follows:

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

* * *

1 B.(1) Except as provided in Paragraph (2) of this Subsection, ~~The~~ the owner
2 of any building containing a life safety system and equipment, or the owner's
3 designated representative, shall cause at a minimum an annual inspection and
4 certification to be made of the life safety system and equipment in that building to
5 assure compliance with applicable safety standards and to determine whether
6 structural changes in the building or in the contents of the building mandate
7 alteration of a system.

8 (2) ~~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.~~ The provisions of Paragraph (1) of this Subsection shall not apply to the
13 conveyance device of any building.

14 * * *

15 §1664.3. Definitions

16 As used in this Subpart, the following terms have the meanings specified in
17 this Section:

18 * * *

19 (7) "Board" means the Louisiana Life Safety and Property Protection
20 ~~Advisory~~ Education Board.

21 * * *

22 §1664.5.1. Limited exemption to licensure; electrical contractors

23 A.(1) A firm or person holding a license with the classification of electrical
24 work statewide by the State Licensing Board for Contractors pursuant to R.S.
25 37:2156.1 and 2156.2 shall be authorized only to install wire, conduit, or other wire
26 raceways, its associated boxes or fittings, and fire alarm initiating and notification
27 devices or intrusion alarm systems or closed circuit television systems or special
28 locking systems in either commercial or residential property without a license issued
29 pursuant to this Subpart. The activity specified in this Paragraph shall not include

1 final termination in a fire alarm control panel, security control panel, access control
2 panel, or closed circuit television systems controls, which shall be performed only
3 by a firm and individual holding a valid license issued pursuant to this Subpart. This
4 limited exemption shall also apply to an employee of a firm or person who performs
5 work on behalf of the electrical contractor, as defined by R.S. 37:2150.1.

6 (2) The provisions of Paragraph (1) of this Subsection shall not apply to a
7 person or entity selling, installing, servicing, or maintaining wireless security and
8 fire systems.

9 B. Electrical contractors are not permitted to certify, inspect, or service any
10 life safety and property protection system or equipment.

11 * * *

12 §1664.8. Criminal background checks

13 A. Each principal or officer of a firm holding a property protection
14 endorsement shall undergo and pass a criminal background check prior to the firm
15 receiving a license pursuant to this Subpart.

16 B. Each person holding a property protection endorsement shall undergo
17 and pass a criminal background check prior to receiving a license pursuant to this
18 Subpart, except as provided in R.S. 40:1664.7~~(E)~~(F).

19 C. No person or officer or principal of a firm applying for a property
20 protection license shall have been convicted of a felony, received a first-time
21 offender pardon for a felony, or entered a plea of guilty or nolo contendere to a
22 felony charge. A person whose felony conviction has been dismissed pursuant to
23 Code of Criminal Procedure Article 893 or the equivalent judicial dismissal shall be
24 eligible for property protection licensure if the conviction was not a felony crime of
25 violence specifically enumerated in R.S. 14:2(B), a sex offense as defined in R.S.
26 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony
27 offense against property as enumerated in R.S. 14:51 through 62.8. ~~A felony that has~~
28 been dismissed pursuant to Code of Criminal Procedure Article 893 or equivalent
29 judicial dismissal shall not apply to this Subpart.

1 D. A conviction or a plea of guilty or nolo contendere to a felony charge or
2 receipt of a first-time offender pardon shall not constitute an automatic
3 disqualification as otherwise required pursuant to Subsection C of this Section if ten
4 or more years has elapsed between the date of application and the date of successful
5 completion or service of any sentence, deferred adjudication, or period of probation
6 or parole.

7 E. Subsection D of this Section shall not apply to any person convicted of
8 a felony crime of violence specifically enumerated in R.S. 14:2(B), a sex offense as
9 defined in R.S. 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S.
10 14:80, or a felony offense against property as enumerated in R.S. 14:51 through ~~62.9~~
11 62.8.

12 F. A felony conviction for any offense includes a conviction for the offense
13 under the laws of another state or military, territorial, foreign, tribal, or federal law
14 which is the equivalent to an offense in this state.

15 ~~F. G.~~ G. The office of state fire marshal, code enforcement and building safety,
16 may consider the seriousness and circumstances of the offense and subsequent
17 arrests pursuant to this Section.

18 ~~G. H.~~ H. The state fire marshal is authorized to order fingerprint analysis or any
19 other analysis or documents deemed necessary by the state fire marshal for the
20 purpose of verifying the criminal history of a person or named officer or principal
21 of a firm applying for a license. The state fire marshal shall have the authority to
22 conduct criminal history verification on a local, state, or national level. All costs for
23 verifying criminal history shall be borne by the applicant.

24 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana

25 Life Safety and Property Protection Trust Fund

26 * * *

27 D.

28 * * *

1 (3)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,
2 a conveyance device mechanic license shall be issued to a person who, through his
3 licensed conveyance device firm, submits an application for licensure to the office
4 of state fire marshal, with either of the following:

5 (i) An attestation submitted in the form of notarized affidavit that the person
6 who seeks licensure has worked as a conveyance device mechanic, as defined in this
7 Subpart, for not less than four years and six thousand hours, within the last five
8 years, without immediate or direct supervision prior to application for licensure.

9 (ii) An attestation submitted in the form of notarized affidavit that the person
10 who seeks licensure has worked as a conveyance device mechanic, as defined in this
11 Subpart, for not less than two years and three thousand hours, within the last three
12 years, without immediate or direct supervision prior to application for licensure and
13 that the person has received a National Association of Elevator Contractors
14 Associate Elevator Technician (AET), or Level 1 certification or equivalent, or is
15 enrolled in the National Association of Elevator Contractors Certified Elevator
16 Technician (CET) program.

17 (b) A conveyance device mechanic firm shall submit an application for
18 licensure pursuant to this Subsection on or before July 1, 2025.

19 ~~(3)~~(4) All continuing education requirements developed and approved for
20 persons who hold technical endorsements provided for in Paragraph (C)(11) of this
21 Section shall be in accordance with R.S. 40:1664.11(G) or (H).

22 * * *

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

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

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

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

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

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

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

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

22 L.(1) An emergency conveyance device mechanic license may be issued by
23 the office of state fire marshal when an emergency exists in the state due to a natural
24 disaster, as declared by the president of the United States or the governor, or major
25 work stoppage, and the requesting licensed conveyance device mechanic firm
26 submits an attestation to the office of state fire marshal certifying each of the
27 following:

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

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

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

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

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

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

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

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

25 ~~Ⓝ.~~ N.(1) Subject to the exceptions contained in Article VII, Section 9 of the
26 Constitution of Louisiana, all monies received by the state fire marshal pursuant to
27 this Subpart, including but not limited to fees and fines, shall be deposited
28 immediately upon receipt in the state treasury and shall be credited to the Bond
29 Security and Redemption Fund. Out of the funds remaining in the Bond Security

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

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

16 * * *

17 §1664.11. Life Safety and Property Protection Education Board

18 * * *

19 B.(1) Each appointed member shall serve a term of ~~two~~ four years.

20 * * *

21 Section 2. R.S. 40:1646(B) is hereby amended and reenacted to read as follows:

22 §1646. State fire marshal; owners; life safety systems and equipment inspections;
 23 penalties; exceptions

24 * * *

25 B.(1) Except as provided in Paragraph (2) of this Subsection, ~~The~~ the owner
 26 of any building containing a life safety system and equipment, or the owner's
 27 designated representative, shall cause at a minimum an annual inspection and
 28 certification to be made of the life safety system and equipment in that building to
 29 assure compliance with applicable safety standards and to determine whether

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

3 ~~(2)(a) The provisions of this Subsection shall not apply to the owner of a~~
4 ~~building with two stories occupied by a single tenant wherein employees of the~~
5 ~~tenant are regularly inside of the building. The building described in this Paragraph~~
6 ~~shall not be construed to include a one- or two-family dwelling as defined in R.S.~~
7 ~~40:1573.~~

8 (b) The owner of a building described in this Paragraph with two stories
9 occupied by a single tenant wherein employees of the tenant are regularly inside the
10 building shall cause, at a minimum, a safety test of the conveyance device in five-
11 year intervals to assure compliance with applicable safety standards and to determine
12 whether structural changes in the building or in the contents of the building mandate
13 alteration of the conveyance device. The building described in this Paragraph shall
14 not be construed to include a one- or two-family dwelling as defined in R.S. 40:1573.

15 * * *

16 Section 3. R.S. 40:1664.5(A)(12) is hereby repealed in its entirety.

17 Section 4. The provisions of Section 2 of this Act supersede the provisions of
18 Section 5 of Act No. 598 of the 2018 Regular Session of the Legislature that amend and
19 reenact R.S. 40:1646(B)(2)(b).

20 Section 5.(A) Section 2 of this Act shall become effective when the provisions of
21 Section 5 of Act No. 598 of the 2018 Regular Session of the Legislature becomes effective.

22 (B) Sections 1, 3, and 4 and this Section of this Act shall become effective upon
23 signature by the governor or, if not signed by the governor, upon expiration of the time for
24 bills to become law without signature by the governor, as provided by Article III, Section
25 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
26 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 683 Reengrossed

2020 Regular Session

Cox

Abstract: Provides relative to life safety and property protection and temporary and emergency conveyance device mechanic licenses.

Present law requires the owner of any building containing life safety system equipment to annually inspect and certify the building.

Present law exempts the owner of a building with two stories occupied by a single tenant wherein employees of the tenant are regularly inside of the building from the annual inspection and certification requirements of life safety systems and equipment of the building.

Proposed law repeals the exemption provided by present law.

Present law requires the owner of a building with two stories occupied by a single tenant wherein employees of the tenant are regularly inside of the building to have at a minimum, a safety test of the building's conveyance device in five-year intervals, effective July 1, 2024.

Proposed law retains present law.

Present law provides for definitions.

Proposed law retains present law but corrects the name of the Louisiana Life Safety and Property Protection Education Board.

Present law provides that licensure requirements do not apply to a firm or person licensed by the State Licensing Board for Contractors to perform certain electrical work.

Proposed law retains present law but prohibits electrical contractors from certifying, inspecting, or servicing any life safety and property protection system or equipment.

Present law provides that with respect to applicants for a property protection license, a conviction, plea of guilty or nolo contendere to, or receipt of a first-time offender pardon of a felony charge, if not a certain crime of violence enumerated in present law (R.S. 14:2(B)), a sex offense as defined in present law (R.S. 15:541(24)(a)) with certain exceptions (R.S. 14:92(A)(7) and 14:80), or certain felony crimes against property enumerated in present law (R.S. 14:51- 62.8), shall not constitute an automatic disqualification if 10 or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, period of probation or parole.

Proposed law retains present law and clarifies that a felony conviction includes a conviction for an equivalent offense under the laws of another state, or military, territorial, foreign, tribal, or federal law.

Proposed law removes a statutory reference to a repealed section of law (R.S. 14:62.9).

Proposed law provides that the state fire marshal shall issue a conveyance device mechanic license to a person who, through his licensed conveyance firm submits an application on or before July 1, 2025, with either of the following:

- (1) A notarized affidavit attesting that the person seeking licensure has worked as a conveyance device mechanic for not less than four years and 6,000 hours within the last five years, without immediate or direct supervision
- (2) A notarized affidavit attesting that the person seeking licensure has worked as a conveyance device mechanic for not less than two years and 3,000 hours within the last three years, without immediate or direct supervision and that the person has received a nationally accepted certification or is enrolled in a nationally accepted program.

Proposed law provides that the state fire marshal may issue a temporary conveyance device mechanic license upon receipt of either of the following from the requesting licensed conveyance device mechanic firm:

- (1) A notarized affidavit attesting that there is an insufficient number of licensed conveyance mechanics needed to perform or that there is an imminent increase in conveyance device mechanic activities.
- (2) A notarized affidavit attesting that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision.

Further, proposed law provides that the temporary conveyance device mechanic license is valid for 180 days from the date of issuance and only valid for work performed for the requesting licensed conveyance device mechanic firm.

Proposed law provides that the office of the state fire marshal may renew the temporary license when the requesting conveyance mechanic firm provides a notarized affidavit attesting that there continues to be an insufficient number of licensed conveyance mechanics needed to perform or that there is an imminent increase in conveyance device mechanic activities. However, the office may refuse to renew the temporary license for a person that the office determines has had adequate opportunity to obtain a license.

Present law provides that the initial fee for a conveyance device mechanic license is \$100 and the renewal fee is \$50.

Proposed law retains present law and applies the same fees for the temporary license.

Proposed law provides that the state fire marshal may issue an emergency conveyance device mechanic license when the president of the U.S. or the governor declares an emergency in this state due to a natural disaster or there is a major work stoppage.

Proposed law provides that the state fire marshal may issue an emergency conveyance device mechanic license upon receipt of a notarized affidavit from the requesting licensed conveyance device mechanic firm attesting to each of the following:

- (1) The number of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.
- (2) The shortage of licensed conveyance device mechanics jeopardizes the safety of the public.
- (3) The person who seeks emergency licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision.

Further, proposed law provides that the emergency conveyance device mechanic license is valid for 60 days from the date of issuance and only valid for work performed for the requesting licensed conveyance device mechanic firm.

Proposed law provides that the emergency license may be extended for a period not to exceed 365 days from the date of the initial issuance. The emergency license may be extended past 365 days of the initial issuance when there are mitigating circumstances recognized by the state fire marshal regarding the emergency declaration or work stoppage.

Present law provides that the initial fee for a conveyance device mechanic license is \$100 and the renewal fee is \$50.

Proposed law retains present law and applies the same fees for the emergency license.

Present law provides for the 15-member Life Safety and Property Education Board which develops and approves all training, certification, examination, and continuing education requirements for individuals licensed or who seek licensure in life safety and property protection. Present law provides that each member of the Life Safety and Protection Education Board serve for a two-year term.

Proposed law changes present law to a four-year term.

(Amends R.S. 40:1646(B), 1664.3(7), 1664.8, 1664.9(D)(3), (K), and (L), and 1664.11(B)(1); Adds R.S. 40:1664.5.1 and 1664.9(D)(4), (M), and (N); Repeals R.S. 40:1664.5(A)(12))

Summary of Amendments Adopted by House

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

1. Clarify that Section 2 of this Act becomes effective when the provisions of Section 5 of Act No. 598 of the 2018 Regular Session of the Legislature become effective.
2. Provide other technical amendments.

The House Floor Amendments to the engrossed bill:

1. Correct the name of the Louisiana Life Safety and Property Protection Education Board.
2. Make technical changes.