

ACT No. 339

2020 Regular Session

HOUSE BILL NO. 683

BY REPRESENTATIVE COX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

* * *

B.(1) Except as provided in Paragraph (2) of this Subsection, ~~The~~ the owner of any building containing a life safety system and equipment, or the owner's designated representative, shall cause at a minimum an annual inspection and certification to be made of the life safety system and equipment in that building to

1 assure compliance with applicable safety standards and to determine whether
2 structural changes in the building or in the contents of the building mandate
3 alteration of a system.

4 ~~(2) The provisions of this Subsection shall not apply to the owner of a~~
5 ~~building with two stories occupied by a single tenant wherein employees of the~~
6 ~~tenant are regularly inside of the building. The building described in this Paragraph~~
7 ~~shall not be construed to include a one- or two-family dwelling as defined in R.S.~~
8 ~~40:1573. The provisions of Paragraph (1) of this Subsection shall not apply to the~~
9 ~~conveyance device of any building.~~

10 * * *

11 §1664.3. Definitions

12 As used in this Subpart, the following terms have the meanings specified in
13 this Section:

14 * * *

15 (7) "Board" means the Louisiana Life Safety and Property Protection
16 Advisory Education Board.

17 * * *

18 §1664.5.1. Limited exemption to licensure; electrical contractors

19 A.(1) A firm or person holding a license with the classification of electrical
20 work statewide by the State Licensing Board for Contractors pursuant to R.S.
21 37:2156.1 and 2156.2 shall be authorized only to install wire, conduit, or other wire
22 raceways, its associated boxes or fittings, and fire alarm initiating and notification
23 devices or intrusion alarm systems or closed circuit television systems or special
24 locking systems in either commercial or residential property without a license issued
25 pursuant to this Subpart. The activity specified in this Paragraph shall not include
26 final termination in a fire alarm control panel, security control panel, access control
27 panel, or closed circuit television systems controls, which shall be performed only
28 by a firm and individual holding a valid license issued pursuant to this Subpart. This
29 limited exemption shall also apply to an employee of a firm or person who performs
30 work on behalf of the electrical contractor, as defined by R.S. 37:2150.1.

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

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

6 * * *

7 §1664.8. Criminal background checks

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

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

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

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

1 E. Subsection D of this Section shall not apply to any person convicted of
2 a felony crime of violence specifically enumerated in R.S. 14:2(B), a sex offense as
3 defined in R.S. 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S.
4 14:80, or a felony offense against property as enumerated in R.S. 14:51 through ~~62.9~~
5 62.8.

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

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

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

18 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana
19 Life Safety and Property Protection Trust Fund

20 * * *

21 D.

22 * * *

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

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

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

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

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

14 * * *

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) The emergency license shall be valid for a minimum period of sixty days
28 from the date of issuance, shall entitle the licensee to the rights and privileges of a
29 licensed conveyance device mechanic, and is valid only for the work performed for
30 the licensed conveyance device mechanic firm that made the request pursuant to this

1 Section. The emergency license may be extended but shall not exceed three hundred
 2 sixty-five days from the date of initial issuance, unless mitigating circumstances
 3 regarding the emergency declaration or work stoppage exist and are formally
 4 recognized by the state fire marshal and an extension of the emergency license is
 5 determined to be necessary.

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

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

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

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

14 ~~E. N.~~(1) Subject to the exceptions contained in Article VII, Section 9 of the
 15 Constitution of Louisiana, all monies received by the state fire marshal pursuant to
 16 this Subpart, including but not limited to fees and fines, shall be deposited
 17 immediately upon receipt in the state treasury and shall be credited to the Bond
 18 Security and Redemption Fund. Out of the funds remaining in the Bond Security
 19 and Redemption Fund after a sufficient amount is allocated from that fund to pay all
 20 obligations secured by the full faith and credit of the state which become due and
 21 payable within any fiscal year, the treasurer, prior to placing such remaining funds
 22 in the state general fund, shall pay an amount equal to the total amount of funds paid
 23 into the state treasury by the state fire marshal pursuant to this Subpart into a special
 24 fund which is hereby created in the state treasury and designated as the Louisiana
 25 Life Safety and Property Protection Trust Fund.

26 (2) The monies in the Louisiana Life Safety and Property Protection Trust
 27 Fund shall be used solely for implementation, administration, and enforcement of
 28 this Subpart, and thereafter, for fire education or emergency response by the state fire
 29 marshal and only in the amounts appropriated each year to the state fire marshal or
 30 the board by the legislature. Any surplus monies and interest remaining to the credit

1 of the fund on June thirtieth of each year after all such appropriations of the
2 preceding fiscal year have been made shall remain to the credit of the fund, and no
3 part thereof shall revert to the state general fund.

4 * * *

5 §1664.11. Life Safety and Property Protection Education Board

6 * * *

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

8 * * *

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

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

12 * * *

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

20 ~~(2)(a) The provisions of this Subsection shall not apply to the owner of a~~
21 ~~building with two stories occupied by a single tenant wherein employees of the~~
22 ~~tenant are regularly inside of the building. The building described in this Paragraph~~
23 ~~shall not be construed to include a one- or two-family dwelling as defined in R.S.~~
24 ~~40:1573.~~

25 ~~(b) The owner of a building described in this Paragraph~~ with two stories
26 occupied by a single tenant wherein employees of the tenant are regularly inside the
27 building shall cause, at a minimum, a safety test of the conveyance device in five-
28 year intervals to assure compliance with applicable safety standards and to determine
29 whether structural changes in the building or in the contents of the building mandate
30 alteration of the conveyance device. The building described in this Paragraph shall

1 not be construed to include a one- or two-family dwelling as defined in R.S. 40:1573
 2 or a townhouse. For the purposes of this Paragraph, the term "townhouse" means a
 3 single-family dwelling unit constructed in a group of three or more attached units in
 4 which each unit extends from foundation to roof and with a yard or public way on
 5 not less than two sides.

* * *

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

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

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

13 (B) Sections 1, 3, and 4 and this Section of this Act shall become effective upon
 14 signature by the governor or, if not signed by the governor, upon expiration of the time for
 15 bills to become law without signature by the governor, as provided by Article III, Section
 16 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
 17 by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____