

GREEN SHEET REDIGEST

HB 360

2021 Regular Session

Travis Johnson

**FIRE PROTECT/FIRE MARSHAL: Provides relative to the registration of short-term rental dwellings with the office of state fire marshal.**

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DIGEST

Proposed law defines the following terms for the purposes of proposed law: booking transaction, dwelling unit, guest, owner, platform, and short-term rental dwelling unit.

Proposed law prohibits an owner of a short-term rental dwelling unit from using a platform to complete a booking transaction unless the owner has registered the unit with the office of state fire marshal.

Proposed law requires the initial registration to be submitted electronically on forms created by the office of state fire marshal. Further, proposed law requires the owner to renew the registration either annually or every five years.

Present law authorizes the office of state fire marshal to establish and collect certain fees.

Proposed law requires the owner to pay the following fees for the initial registration and subsequent renewal:

- (1) Initial annual registration: \$5
- (2) Annual renewal: \$5
- (3) Initial 5-year registration: \$20
- (4) 5-year renewal: \$20

Proposed law establishes the following penalties for an owner in violation of proposed law:

- (1) 1st violation: warning letter
- (2) 2nd violation: civil penalty not to exceed \$500
- (3) 3rd and each subsequent violation: civil penalty not to exceed \$1,000

Proposed law authorizes the office of state fire marshal to promulgate rules and regulations necessary to implement proposed law relative to assessing and collecting fees and penalties, operating, managing, and maintaining the electronic registration system, investigating compliance with the registration requirements, and hearings.

Proposed law prohibits the office of state fire marshal from promulgating rules and regulations permitting, for any reason, a physical inspection of a short-term rental dwelling unit.

Present law provides for rules compliance with certain building and safety codes. Proposed law retains present law.

Proposed law prohibits the office of state fire marshal or any other state or local entity agency to inspect any immovable property including private residences.

Proposed law prohibits the office of state fire marshal or any other state or local entity from requiring an inspection in order to apply, receive, maintain compliance, rectify violations, or renew the registration required by present law.

Present law regulates hotels and lodging houses and certain powers and duties of the state fire marshal. Proposed law shall not be construed to apply to present law.

Proposed law would not limit or prohibit, the owner of a short-term rental dwelling unit from completing a booking transaction prior to the implementation by the office of state fire marshal of a registration system or if the owner has submitted a registration as required by present law or proposed law but is awaiting administrative processing.

Proposed law provides that if a state of emergency is declared, the state fire marshal may temporarily suspend the requirements of present law or proposed law for up to 30 days under certain circumstances.

Proposed law provides for the deposit of all monies received by the office of state fire marshal pursuant to proposed law into the Louisiana Life Safety and Property Protection Trust Fund as provided for in present law.

Effective January 1, 2022.

(Adds R.S. 40:1584)

#### Summary of Amendments Adopted by House

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

1. Clarify that the office of state fire marshal is authorized to promulgate rules and regulations as necessary relative to enforcing fees and penalties, operating, managing, and maintaining the electronic registration system, investigating compliance with the registration requirements, and hearings.
2. Add a provision stating that proposed law shall not be construed to authorize the office of state fire marshal to inspect any real property, including a private residence.
3. Add a provision stating that proposed law shall not be construed to apply to the regulation of certain structures already provided for in present law.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill

1. Adds provision to prohibit the state fire marshal from promulgating rules and regulations permitting a physical inspection of a short-term rental dwelling unit.
2. Changes references from "any other agency" to "state of local entity".
3. Changes references from "real property" to "immovable property".
4. Adds provision to prohibit an inspection by the state fire marshal or any other state or local entity as a requirement to apply, receive, maintain compliance, rectify violations, or renew a registration.
5. Adds provision that allows the owner of a short-term rental dwelling unit to complete a booking transaction prior to the implementation of a registration system or if the owner has submitted a registration that is awaiting administrative processing.

6. Authorizes the state fire marshal to temporarily suspend certain requirements during a declared emergency for up to 30 days.
7. Adds effective date.