

2022 Regular Session

HOUSE BILL NO. 1039

BY REPRESENTATIVES MCKNIGHT AND DAVIS

FIRE PROTECT/FIRE MARSHAL: Provides relative to life safety and property protection systems

1 AN ACT

2 To amend and reenact R.S. 40:1664.9(J) through (N) and to enact R.S. 40:1664.9(O),
3 relative to life safety and property protection systems; to provide for the electronic
4 tagging of such systems using a Quick Response code decal or hanging tag; to
5 provide for collecting a fee to obtain a Quick Response code decal or hanging tag;
6 to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1664.9(J) through (N) are hereby amended and reenacted and R.S.
9 40:1664.9(O) is hereby enacted to read as follows:

10 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana

11 Life Safety and Property Protection Trust Fund

12 * * *

13 J.(1) The cost of a Quick Response (QR) code decal or hanging tag for
14 purposes of electronically tagging life safety and property protection systems and
15 equipment, with the exception of portable fire extinguishers and hoses, is one dollar
16 and fifty cents.

17 (2) Any firm with a portable fire extinguisher and fire hose endorsement that
18 accesses a QR Code attached to a portable fire extinguisher for the purpose of life
19 safety and property protection contracting activity shall be assessed a transaction fee
20 of fifty cents per accession.

1 K. The fees established in this Section shall not be refundable except under
2 such conditions as the state fire marshal may establish.

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

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

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

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

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

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

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

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

1 ~~E.(1)~~ M.(1) An emergency conveyance device mechanic license may be
2 issued by the office of state fire marshal when an emergency exists in the state due
3 to a natural disaster, as declared by the president of the United States or the
4 governor, or major work stoppage, and the requesting licensed conveyance device
5 mechanic firm submits an attestation to the office of state fire marshal certifying
6 each of the following:

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

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

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

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

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

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

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

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

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

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

26 Section 2. R.S. 40:1664.9(O) is hereby enacted to read as follows:

1 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana
2 Life Safety and Property Protection Trust Dedicated Fund Account

3 ~~N.†~~ O.(1) Subject to the exceptions contained in Article VII, Section 9 of
4 the Constitution of Louisiana, all monies received by the state fire marshal pursuant
5 to this Subpart, including but not limited to fees and fines, shall be deposited
6 immediately upon receipt in the state treasury and shall be credited to the Bond
7 Security and Redemption Fund. Out of the funds remaining in the Bond Security
8 and Redemption Fund after a sufficient amount is allocated from that fund to pay all
9 obligations secured by the full faith and credit of the state which become due and
10 payable within any fiscal year, the treasurer, prior to placing such remaining funds
11 in the state general fund, shall pay an amount equal to the total amount of funds paid
12 into the state treasury by the state fire marshal pursuant to this Subpart into a special
13 statutorily dedicated fund account which is hereby created in the state treasury and
14 designated as the Louisiana Life Safety and Property Protection Trust Dedicated
15 Fund Account.

16 (2) The monies in the Louisiana Life Safety and Property Protection Trust
17 Dedicated Fund Account shall be used solely for implementation, administration, and
18 enforcement of this Subpart, and thereafter, for fire education or emergency response
19 by the state fire marshal and only in the amounts appropriated each year to the state
20 fire marshal or the board by the legislature. Any surplus monies and interest
21 remaining to the credit of the account on June thirtieth of each year after all such
22 appropriations of the preceding fiscal year have been made shall remain to the credit
23 of the account, and no part thereof shall revert to the state general fund. Monies
24 deposited into the account shall be categorized as fees and self-generated revenue for
25 the sole purpose of reporting related to the executive budget, supporting documents,
26 and general appropriation bills and shall be available for annual appropriation by the
27 legislature.

1 Section 3. The provisions of Section 2 of this Act shall supersede the provisions of
2 Section 10 of Act No. 114 of the 2021 Regular Session of the Legislature that amend and
3 reenact R.S. 40:1664.9(N).

4 Section 4.(A) Section 2 of this Act shall become effective when Section 10 of Act
5 No. 114 of the 2021 Regular Session of the Legislature becomes effective.

6 (B) Sections 1 and 3 and this Section of this Act shall become effective upon
7 signature by the governor or, if not signed by the governor, upon expiration of the time for
8 bills to become law without signature by the governor, as provided by Article III, Section
9 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
10 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 1039 Reengrossed

2022 Regular Session

McKnight

Abstract: Establishes a fee for electronically tagging life safety and property protection systems and equipment.

Present law provides for the assessment of fees to be collected by the state fire marshal.

Proposed law retains present law and provides for the assessment of a fee of \$1.50 for electronically tagging life safety and property protection systems and equipment using a Quick Response (QR) code decal or hanging tag.

Proposed law provides that QR code decals or hanging tags used to electronically tag portable fire extinguishers and hoses are exempt from the \$1.50 fee requirement.

Proposed law provides that a fifty cent transaction fee shall be assessed per instance of a firm with a portable fire extinguisher and fire hose endorsement accessing a QR code on a portable fire extinguisher.

Provisions in proposed law relative to La. Life Safety and Property Protection Trust Dedicated Fund Account supercede certain provisions of Act No. 114 of the 2021 R.S.

Effective upon signature of governor or lapse of time for gubernatorial action except that proposed law which renumbers not yet effective present law relative to Life Safety and Property Protection Trust Dedicated Fund Account becomes effective upon the effectiveness of Section 10 of Act No. 114 of the 2021 R.S. of the Legislature.

(Amends R.S. 40:1664.9(J)-(N); Adds R.S. 40:1664.9(O))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Authorize a fee for hanging tags used for electronically tagging life safety and property protection systems.
3. Exclude QR code decals and hanging tags used for the electronic tagging of certain life safety and property protection equipment from such fee.
4. Decrease the proposed electronic tagging fee.
5. Assess a fifty cent transaction fee per instance of a firm with a certain endorsement accessing a QR code on a portable fire extinguisher.