

2022 Regular Session

HOUSE BILL NO. 1039

BY REPRESENTATIVES MCKNIGHT AND DAVIS

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

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

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

21 (a) An attestation from the requesting licensed conveyance device mechanic
22 firm that, despite its best efforts, there is an insufficient number of licensed
23 conveyance device mechanics needed to perform conveyance device mechanic
24 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)~~ M.(1) An emergency conveyance device mechanic license may be
23 issued by the office of state fire marshal when an emergency exists in the state due
24 to a natural disaster, as declared by the president of the United States or the
25 governor, or major work stoppage, and the requesting licensed conveyance device
26 mechanic firm submits an attestation to the office of state fire marshal certifying
27 each of the 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.

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

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

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

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

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

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

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

23 ~~N.(1)~~ O.(1) Subject to the exceptions contained in Article VII, Section 9 of
 24 the Constitution of Louisiana, all monies received by the state fire marshal pursuant
 25 to this Subpart, including but not limited to fees and fines, shall be deposited
 26 immediately upon receipt in the state treasury and shall be credited to the Bond
 27 Security and Redemption Fund. Out of the funds remaining in the Bond Security
 28 and Redemption Fund after a sufficient amount is allocated from that fund to pay all
 29 obligations secured by the full faith and credit of the state which become due and
 30 payable within any fiscal year, the treasurer, prior to placing such remaining funds
 31 in the state general fund, shall pay an amount equal to the total amount of funds paid

1 into the state treasury by the state fire marshal pursuant to this Subpart into a special
 2 fund which is hereby created in the state treasury and designated as the Louisiana
 3 Life Safety and Property Protection Trust Fund.

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

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

13 §1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana
 14 Life Safety and Property Protection Trust Dedicated Fund Account

15 * * *

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

29 (2) The monies in the Louisiana Life Safety and Property Protection Trust
 30 Dedicated Fund Account shall be used solely for implementation, administration, and

1 enforcement of this Subpart, and thereafter, for fire education or emergency response
 2 by the state fire marshal and only in the amounts appropriated each year to the state
 3 fire marshal or the board by the legislature. Any surplus monies and interest
 4 remaining to the credit of the account on June thirtieth of each year after all such
 5 appropriations of the preceding fiscal year have been made shall remain to the credit
 6 of the account, and no part thereof shall revert to the state general fund. Monies
 7 deposited into the account shall be categorized as fees and self-generated revenue for
 8 the sole purpose of reporting related to the executive budget, supporting documents,
 9 and general appropriation bills and shall be available for annual appropriation by the
 10 legislature.

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

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

16 (B) Sections 1 and 3 and this Section of this Act shall become effective upon
 17 signature by the governor or, if not signed by the governor, upon expiration of the time for
 18 bills to become law without signature by the governor, as provided by Article III, Section
 19 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
 20 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: _____