
HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Substitute for Original House Bill No. 750 by Representative Broadwater as proposed by the House Committee on Commerce

To enact Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of RS. 40:1651 through 1655, relative to the Louisiana Office of State Fire Marshal; to provide for a short title; to provide for definitions; to authorize inspections of fuel tanks, fuel tank installations, and fuel dispensing facilities; to establish minimum standards relative to the plan review and inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities; to authorize enforcement relative to violations; to provide for plan review and document fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of RS. 40:1651 through 1655, is hereby enacted to read as follows:

SUBPART E. FUEL TANK SAFETY ACT

§1651. Short Title

This Subpart shall be known and may be cited as the "Fuel Tank Safety Act".

§1652. Definitions

As used in this Subpart, the following terms and phrases have the meanings hereinafter ascribed to them:

(1) "Dwelling" means one or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping, facilities for cooking, and provisions for sanitation.

(2) "Fuel tank" means any flammable and combustible liquid storage container that is located above ground and has a capacity of at least two hundred seventy-five liquid gallons.

(3) "One- or two-family dwelling" means a building containing not more than two dwelling units with independent cooking and bathroom facilities.

§1653. Authority of state fire marshal; plan review and inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities

A. The fire marshal shall supervise the inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities that are within one hundred feet of any one- or two-family dwelling or hunting or fishing camp.

B. (1) The design and maintenance of any fuel tank, fuel tank installation, or fuel dispensing facility shall be subject to the rules and regulations promulgated by the state fire marshal for plan review and inspection in conformity with the Administrative Procedure Act, which shall establish as minimum standards the provisions of the Flammable and Combustible Liquid Code of the National Fire Protection Association and the Code for Motor Fuel Dispensing Facilities and Repair Garages of the National Fire Protection Association as both are annually or periodically amended.

(2) The state fire marshal shall have the power and authority to promulgate those rules and regulations as may be necessary to incorporate or adopt any subsequent amendments or editions to the Flammable and Combustible Liquid Code and the Code for Motor Fuel Dispensing Facilities and Repair Garages as they are subsequently amended or issued as new editions by the National Fire Protection Association.

§1654. Inspection of premises; enforcement orders

A. Upon complaint of any person or upon his own initiative when he thinks necessary, the fire marshal or any of his authorized representatives may inspect any fuel tank, fuel tank installation, or fuel dispensing facility within one hundred feet of any one- or two-family dwelling or hunting or fishing camp.

B. Whenever the inspecting officer finds any fuel tank, fuel tank installation, or fuel dispensing facility, which, for any cause, is liable to fire or dangerous to life or which is so situated as to endanger other property or the occupants thereof, he shall order the fuel tank, fuel tank installation, or fuel dispensing facility to be repaired or to be removed or the premises remedied or razed.

C. The owner of a fuel tank, fuel tank installation, or fuel dispensing facility shall not permit it to be used until the fire marshal certifies that the hazardous conditions have been eliminated.

D. The fire marshal shall, upon finding cause, deem any fuel tank, fuel tank installation, or fuel dispensing facility to be in violation of the provisions of this Section and to be liable to fire or dangerous to life. Cause to find any fuel tank, fuel tank installation, or fuel dispensing facility to be liable to fire or dangerous to life shall include but not be limited to:

(1) Age or deteriorated condition.

(2) Lack of repairs.

(3) Failure to comply with any provision of this Subpart or any rule or regulations adopted pursuant to this Subpart.

§1655. Plan review and document fees

Notwithstanding any other provision of law to the contrary, the state fire marshal may charge a plan review and document fee, pursuant to R.S. 40:1574.1(A)(7), for the plan review of fuel tanks, fuel tank installations, and fuel dispensing facilities.

Section 2. The Louisiana Office of State Fire Marshal shall promulgate any rules and regulations necessary to implement the provisions of this Act.

Section 3. Section 1 of this Act shall become effective on January 1, 2016.

Section 4. The provisions of this Section and Sections 2 and 3 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of this Section and Sections 2 and 3 of 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 Draft

2015 Regular Session

Abstract: Authorizes the Louisiana Office of State Fire Marshal to conduct inspections and plan reviews and to establish minimum standards relative to fuel tanks, fuel tank installations, and fuel dispensing facilities.

Proposed law enacts the Fuel Tank Safety Act.

Proposed law enumerates definitions for the purposes of proposed law in order to provide for clarification.

Proposed law authorizes the state fire marshal to supervise the inspection of fuel tanks, fuel tank installations, and fuel dispensing facilities pursuant to the provisions of proposed law. Proposed law authorizes the state fire marshal to promulgate rules and regulations relative to the design and maintenance of fuel tanks, fuel tank installations, and fuel dispensing facilities and to establish specified minimum standards for plan review and inspection. Proposed law further empowers and authorizes the state fire marshal to amend relevant rules and regulations as necessary when specified minimum standards are amended.

Proposed law allows the state fire marshal to inspect any fuel tank, fuel tank installation, or fuel dispensing facility upon receiving a complaint or upon his own initiative. Proposed law allows the state fire marshal to issue orders to enforce the repair or removal of fuel tanks, fuel tank installations, and fuel dispensing facilities. Proposed law imposes restrictions on the owner of a fuel tank, fuel tank installation, or fuel dispensing facility once issued an enforcement order by the state fire marshal or his representative. Proposed law enumerates a nonexclusive list of causes for finding a violation of proposed law.

Proposed law authorizes the state fire marshal to charge a plan review and document fee, as authorized by present law (R.S. 40:1574.1(A)(7)), for the plan review of fuel tanks, fuel tank installations, and fuel dispensing facilities.

Proposed law allows the state fire marshal to promulgate any rules or regulations necessary to implement the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1651-1655)