

2015 Regular Session

HOUSE BILL NO. 834 (Substitute for House Bill No. 750 by Representative Broadwater)

BY REPRESENTATIVE BROADWATER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIRE MARSHAL: Authorizes the state fire marshal to conduct inspections and plan reviews relative to fuel tanks, fuel tank installations, and fuel dispensing facilities

1 AN ACT

2 To enact Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of  
3 1950, to be comprised of R.S. 40:1651 through 1655, relative to the Louisiana Office  
4 of State Fire Marshal; to provide for a short title; to provide for definitions; to  
5 authorize inspections of fuel tanks, fuel tank installations, and fuel dispensing  
6 facilities; to establish minimum standards relative to the plan review and inspection  
7 of fuel tanks, fuel tank installations, and fuel dispensing facilities; to authorize  
8 enforcement relative to violations; to provide for plan review and document fees; to  
9 provide for effective dates; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

14 SUBPART E. FUEL TANK SAFETY ACT

15 §1651. Short Title

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

17 §1652. Definitions

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

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

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

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

9           §1653. Authority of state fire marshal; plan review and inspection of fuel tanks, fuel  
10           tank installations, and fuel dispensing facilities; exception

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

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

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

28           C. The provisions of this Subpart shall not apply to any fuel tanks regulated  
29           by the Liquefied Petroleum Gas Commission.

1        §1654. Inspection of premises; enforcement orders

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

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

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

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

19                    (1) Age or deteriorated condition.

20                    (2) Lack of repairs.

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

23        §1655. Plan review and document fees

24                Notwithstanding any other provision of law to the contrary, the state fire  
25       marshal may charge a plan review and document fee, pursuant to R.S.  
26       40:1574.1(A)(7), for the plan review of fuel tanks, fuel tank installations, and fuel  
27       dispensing facilities.

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

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

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

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#### 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)]

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HB 834 Engrossed

2015 Regular Session

Broadwater

**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 indicates that the provisions of proposed law shall not apply to any fuel tanks regulated by the Liquefied Petroleum Gas Commission.

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)