

Regular Session, 2006

HOUSE BILL NO. 1371 (Substitute for House Bill No. 1055 by Representative Pinac)

BY REPRESENTATIVE PINAC

1 AN ACT

2 To amend and reenact R.S. 36:409(M) and 919.3 and R.S. 40:1646, to enact Subpart D-3 of  
3 Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
4 comprised of R.S. 40:1664.1 through 1664.16, and to repeal Subpart D of Part III of  
5 Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
6 40:1625 through 1638, Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana  
7 Revised Statutes of 1950, comprised of R.S. 40:1651 through 1661, and Subpart F  
8 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 40:1662.1 through 1662.19, relative to life safety and property  
10 protection licensing; to provide for definitions; to provide for licensure; to provide  
11 for exemptions from licensing; to provide for a firm license; to provide for an  
12 individual license; to provide for background checks; to provide for fees; to provide  
13 for powers and duties of fire marshal; to provide for an advisory board; to provide  
14 for prohibited acts; to provide for revocation of license; to provide for penalties; to  
15 provide for effect on local regulation; to provide for effective date; and to provide  
16 for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 36:409(M) and 919.3 are hereby amended and reenacted to read as  
19 follows:

20 §409. Transfer of agencies to Department of Public Safety and Corrections

21 \* \* \*

1 M. The Louisiana ~~Alarm Services~~ Life Safety and Property Protection  
 2 Advisory Board (~~R.S. 40:1662.1~~ R.S. 40:1664.1 et seq.) is placed within the  
 3 Department of Public Safety and Corrections as provided in R.S. 36:919.3.

4 \* \* \*

5 §919.3. Transfer; Louisiana ~~Alarm Services~~ Life Safety and Property Protection  
 6 Advisory Board

7 The Louisiana ~~Alarm Services~~ Life Safety and Property Protection Advisory  
 8 Board, placed in the Department of Public Safety and Corrections by the provisions  
 9 of R.S. 36:409(M), shall exercise and perform its powers, duties, functions, and  
 10 responsibilities as provided for agencies transferred pursuant to this Part. However,  
 11 the board shall advise the state fire marshal with respect to administration and  
 12 enforcement of ~~R.S. 40:1662.1~~ R.S. 40:1664.1 et seq. and shall retain the authority  
 13 to approve acceptable equivalents for meeting certain licensure requirements and to  
 14 establish continuing education requirements as further provided in ~~R.S. 40:1662.13~~  
 15 R.S. 40:1664.11.

16 Section 2. R.S. 40:1646 is hereby amended and reenacted and Subpart D-3 of Part  
 17 III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
 18 40:1664.1 through 1664.16, is hereby enacted to read as follows:

19 SUBPART D-2. INSPECTION OF ~~FIRE SPRINKLER SYSTEMS~~

20 LIFE SAFETY SYSTEMS AND EQUIPMENT

21 §1646. State fire marshal; owners; ~~fire sprinkler~~ life safety systems and equipment  
 22 inspections

23 A. The fire marshal is authorized to cause the inspection and testing of all  
 24 ~~fire sprinkler~~ life safety systems and equipment in the state, whether in public or  
 25 private buildings, during installation or immediately after installation to determine  
 26 compliance with applicable standards.

27 B. The owner of any building containing a ~~fire sprinkler~~ life safety system  
 28 and equipment shall cause at a minimum an annual inspection to be made of the ~~fire~~  
 29 ~~sprinkler~~ life safety system and equipment in that building to assure compliance with

1 applicable safety standards and to determine whether structural changes in the  
2 building or in the contents of the building mandate alteration of a system.

3 C. Life safety systems and equipment includes but is not limited to fire  
4 sprinkler, fire alarm, fire suppression, special locking systems and equipment, and  
5 portable fire extinguishers.

6 \* \* \*

7 SUBPART D-3. LIFE SAFETY AND PROPERTY PROTECTION LICENSING

8 §1664.1. Short title

9 This Subpart shall be known as and may be cited as the "Life Safety and  
10 Property Protection Licensing Act".

11 §1664.2. Purpose; administration and enforcement

12 A. The purpose of this Subpart is to regulate the certifying, inspecting,  
13 installation, integrating, selling, and servicing of life safety and property protection  
14 systems and equipment and to prohibit the use of life safety and property protection  
15 systems and equipment which are not properly labeled in accordance with the rules  
16 adopted by the state fire marshal in the interest of safeguarding lives and property.

17 B. The state fire marshal shall administer and enforce the provisions of this  
18 Subpart and may issue rules and regulations which he considers necessary to such  
19 administration and enforcement pursuant to the Administrative Procedure Act. In  
20 formulating necessary rules and regulations, the fire marshal may use recognized  
21 standards, including those of the National Fire Protection Association, those  
22 recognized by federal law or regulation, those published by nationally recognized  
23 standards-making organizations, those industry standards established by accepted  
24 practices or trade associations, or those contained in manufacturers' installation  
25 manuals.

26 C. The state fire marshal shall have the authority to charge and collect such  
27 fees as provided for in this Subpart.

28 D. The Louisiana Life Safety and Property Protection Advisory Board shall  
29 advise the fire marshal with respect to administration and enforcement of the  
30 provisions of this Subpart and shall exercise those functions specified in this Subpart.

1            §1664.3. Definitions

2                    As used in this Subpart, the following terms shall have the meanings  
3            specified in this Section:

4                    (1) "Apprentice" means a person who is licensed to work under the direct  
5                    supervision and accompaniment of a technician who is licensed to the same firm and  
6                    holding a valid license to perform the same acts.

7                    (2) "Bank-locking specialist" means an individual licensed to certify, inspect,  
8                    install, integrate, sell, and service mechanical and or electric locks within the  
9                    confines of a bank, credit union, or other financial institution.

10                   (3) "Board" means the Louisiana Life Safety and Property Protection  
11                   Advisory Board.

12                   (4) "Certify" means to attest to the proper functionality, inspection,  
13                   installation, integration, and service of life safety and property protection systems  
14                   and equipment in accordance with all applicable engineered specifications,  
15                   manufacturers specifications, submitted plans and per the inspection, testing, and  
16                   maintenance chapters as set forth in the applicable NFPA codes and standards.

17                   (5) "Closed circuit television alarm system" means a system that provides  
18                   video surveillance of events, primarily by means of transmission, recording, or  
19                   transmission and recording of visual signals through the use of cameras, receivers,  
20                   monitors, computer, and other visual imaging systems. Closed circuit television  
21                   alarm systems are a subclassification of security.

22                   (6) "Closed circuit television alarm specialist" means an individual licensed  
23                   to certify, inspect, install, integrate, sell, and service closed circuit television alarm  
24                   systems.

25                   (7) "Designated agent" means an owner or a manager of an alarm contracting  
26                   company or single station fire alarm contracting company, a locksmithing services  
27                   company, or closed circuit television alarm system contracting company who has  
28                   been assigned the responsibility of submitting any notice required by this Subpart to  
29                   the fire marshal.

1           (8) "Detention locking specialist" means an individual licensed to certify,  
2           inspect, install, integrate, and service locks and locking systems within the confines  
3           of a penal institution only.

4           (9) "Direct supervision" means oversight of a firm's operations by a qualifier  
5           or onsite supervision by a licensed technician or specialist of an apprentice or  
6           consultant. The technician or specialist can supervise an apprentice or consultant  
7           only in areas he is licensed to perform. Both the technician and apprentice must be  
8           licensed to the same firm.

9           (10) "Door hardware specialist" means an individual who consults and  
10          provides technical advice regarding selection of mechanical locking devices and  
11          consults and provides technical advice regarding selection of electrical or electronic  
12          locking devices for controlled access to premises, safes, vaults, safe doors, lock  
13          boxes, automatic teller machines, or other devices.

14          (11) "DOT" means the United States Department of Transportation.

15          (12) "DOT hydrostatic testing specialist" means an individual licensed to  
16          certify, inspect, and service fire protection cylinders by approved hydrostatic  
17          methods and in accordance with NFPA codes and the United States Department of  
18          Transportation.

19          (13) "Employee" means a person who performs services for wages or salary.

20          (14) "Engineered fire suppression system" means fire suppression systems  
21          individually integrated or altered in accordance with nationally recognized fire  
22          protection system design standards and manufacturer's guidelines.

23          (15) "Fire detection and alarm systems" means those assemblies of wiring,  
24          electronic transmitting devices, detection devices, and related equipment for the  
25          detection of products of combustion or flammable gases, heat and for alerting  
26          occupants, including fire department personnel, of a fire emergency.

27          (16) "Fire detection and alarm system owner specialist" means an individual  
28          who is employed by the owner of a fire detection and alarm system and who is  
29          licensed only to perform routine inspection and minor service and repair of fire  
30          detection and alarm systems within his employer facilities.

1           (17) "Fire detection and alarm system specialist" means an individual  
2           licensed to certify, inspect, install, integrate, and service nonrequired fire detection  
3           and alarm systems.

4           (18) "Fire detection and alarm system technician" means an individual  
5           licensed to certify, inspect, install, integrate, and service both required and  
6           nonrequired fire detection and alarm systems.

7           (19) "Fire hose" means a flexible conduit used to convey water.

8           (20) "Fire protection systems and equipment" means those life safety and  
9           property loss systems, whether commercial or residential, intended to protect a  
10          structure's occupants or property from the risk and dangers of fire or explosion. Fire  
11          protection systems and equipment include but are not limited to portable fire  
12          extinguishers, fire detection and alarm systems, fire suppression systems, fire hoses,  
13          kitchen hood, and duct installation and cleaning. However, the term "fire protection  
14          system and equipment" shall not include a single station smoke or heat detector  
15          installed in a private residence by a fire department, the fire marshal, a public  
16          agency, a volunteer association, or their designated representatives where no  
17          compensation is received for such installation.

18          (21) "Fire sprinkler systems and equipment" means those life safety systems  
19          intended to protect a structure's occupants or property from the risk and dangers of  
20          fire or explosion. Fire sprinkler systems and equipment include but are not limited  
21          to water-based fire protection systems, fire pumps, standpipe systems, and hose  
22          stations.

23          (22) "Fire sprinkler systems and equipment inspector" means an individual  
24          licensed to certify and inspect water-based fire protection systems, fire pumps,  
25          standpipe systems, fire hoses, and hose stations.

26          (23) "Firm" means a sole proprietorship, partnership, corporation, limited  
27          liability company, or any other entity.

28          (24) "Firm license" means that document authorizing a firm to perform life  
29          safety and property protection contracting for those endorsements held.

1           (25) "Fixed fire suppression systems" means those assemblies of piping,  
2           conduits, or containers that convey liquid, powder, or gases to dispersal openings or  
3           devices protecting one or more hazards by suppressing or extinguishing fires, but  
4           shall not include fire sprinkler systems, as defined in this Subpart.

5           (26) "Fixed fire suppression systems technician" means an individual  
6           licensed to certify, inspect, install, integrate, and service fixed fire suppression  
7           systems.

8           (27) "General endorsement" means a broad category of license authorizing  
9           its holder to perform multiple aspects of life safety and property protection  
10          contracting.

11          (28) "Household fire warning system" means a fire alarm, fire alarm system,  
12          or portion of such an alarm or system intended to detect or warn of smoke or fire and  
13          intended for use in a residential one- or two-family dwelling or wholly within the  
14          confines of an individual living unit in a residential multifamily structure.

15          (29) "Household fire warning system specialist" means an individual  
16          licensed to certify, inspect, install, integrate, and service household fire warning  
17          systems.

18          (30) "DOT hydrostatic testing" means pressure testing fire protection  
19          cylinders by approved hydrostatic methods and in accordance with NFPA codes and  
20          the U.S. Department of Transportation.

21          (31) "Individual license" means that document authorizing an individual to  
22          perform life safety and property protection contracting for those endorsements held.

23          (32) "Inspect" means a visual examination of life safety and property  
24          protection systems or equipment to verify that it appears to be in operating condition  
25          and is free of physical damage.

26          (33) "Install" means the initial placement of life safety and property  
27          protection systems or equipment or an extension of such after initial placement.

28          (34) "Intrusion alarm" or "intrusion alarm system" means an alarm, alarm  
29          system, or portion of such an alarm or system intended to detect an unauthorized  
30          entry or other emergency, not including a fire, in a structure.

1           (35) "Integrate" means the act of utilizing accepted and approved life safety  
2           and property protection systems or equipment and components in accordance with  
3           manufacturers' direction to develop a unified and functioning system meeting  
4           applicable NFPA codes and standards.

5           (36) "Kitchen suppression specialist" means an individual licensed to certify,  
6           inspect, install, integrate, and service pre-engineered fire suppression systems  
7           protecting kitchen appliances.

8           (37) "Life safety and property protection contracting" means performing  
9           certification, inspection, installation, integration, sale, or service of mechanical  
10          locking, special locking, security, fire sprinkler, fire alarm, fire suppression, or other  
11          fire systems and equipment. Life safety contracting includes but is not limited to the  
12          sale, lease, rent, planning with the intent to prewire, prewiring, hydrostatic testing,  
13          maintenance, repair, testing, modification, improvement, or alteration of life safety  
14          systems and equipment; holding oneself or one's firm out for hire to perform any  
15          such task; or otherwise offering to perform any such task for compensation, either  
16          directly or indirectly. Notwithstanding any other provision of this Subpart, no person  
17          licensed under this Subpart may install primary power sources of one hundred volts  
18          or greater when such power source is being installed to operate low voltage systems  
19          unless licensed by the State Licensing Board for Contractors to perform such  
20          installations.

21          (38) "Limited locksmith specialist" means an individual who sells, repairs,  
22          rebuilt, recodes, services, adjusts, installs, manipulates, or bypasses a mechanical  
23          locking device for safeguarding areas. The term does not include special locking  
24          systems or closed circuit television alarm systems.

25          (39) "Locksmith technician" means an individual who sells, repairs, rebuilds,  
26          recodes, services, adjusts, installs, manipulates, or bypasses a special locking system,  
27          mechanical locking device or electrical locking devices for controlled access or  
28          egress to premises, safes, vaults, safe doors, lock boxes, automatic teller machines,  
29          or other devices for safeguarding areas or certifies, inspects, installs, integrates, sells  
30          and services closed circuit television alarm systems.

1           (40) "Mechanical locks" means a mechanical device or door hardware  
2           intended to control access or egress to or from a structure or area.

3           (41) "NFPA" means the National Fire Protection Association.

4           (42) "Officer" means the president, vice president, secretary, treasurer,  
5           comptroller, or any other person who performs functions for an alarm contracting  
6           company or single station fire alarm contracting company, a locksmithing services  
7           company or closed circuit television alarm system contracting company  
8           corresponding to those performed by those officers.

9           (43) "Operating location" means a physical address that houses an entity that  
10          performs life safety and property protection contracting.

11          (44) "Person" means a natural person or individual.

12          (45) "Portable fire extinguisher" means any portable device that contains  
13          liquid, powder, or gases for suppressing or extinguishing fires.

14          (46) "Portable fire extinguisher and fire hose technician" means an  
15          individual licensed to certify, inspect, install, and service portable fire extinguishers  
16          and fire hoses.

17          (47) "Pre-engineered fire suppression specialist" means an individual  
18          licensed to certify, inspect, install, integrate, and service pre-engineered fire  
19          suppression systems.

20          (48) "Pre-engineered fire suppression system" means packaged fire  
21          suppression systems which consist of system components intended to be installed  
22          according to pre-tested limitations as approved or listed by a testing laboratory.

23          (49) "Principal" means a person or entity that owns at least five percent of  
24          a life safety and property protection contracting firm regardless of the form of  
25          organization. "Principal" includes a person or entity entitled to exercise the  
26          prerogatives or indicia of ownership or control of a life safety and property  
27          protection contracting firm whether by direct action, assignment, or any other kind  
28          of substitution or subrogation, to the extent that such person or entity would be  
29          entitled to receive at least five percent of the remaining assets of the life safety and  
30          property protection contracting firm upon dissolution. "Principal" includes, if the

1 entity is a partnership, each partner, including any general or limited partner.  
2 "Principal" includes, if the entity is organized as a corporation, any person or entity  
3 who owns or controls five percent or more of the total aggregate number of shares  
4 of all types of stock issued by a life safety and property protection contracting firm  
5 organized as a corporation or shares of a corporation that owns or controls a life  
6 safety and property protection contracting firm. "Principal" includes any member  
7 if the entity is organized as a limited liability company.

8 (50) "Property protection systems and equipment" means those life safety  
9 and property protection systems intended to protect lives and property from the risk  
10 of theft, unauthorized entry, or other physical harm to a structure's occupants or  
11 property. Security systems and equipment include, but are not limited to intrusion  
12 alarms, closed circuit television, mechanical locks, and electronic locks.

13 (51) "Qualifier" means a person who possesses the appropriate training or  
14 experience credentials enabling a firm to obtain a life safety and property protection  
15 license. A qualifier must be a paid employee of the firm for which he qualifies and  
16 work a minimum of thirty-two hours per week. A qualifier must provide direct  
17 supervision of a firm's operations for which he qualifies. An individual may only  
18 qualify one firm.

19 (52) "Security sales technician" means an individual licensed to sell or  
20 specify security systems and equipment.

21 (53) "Security systems and equipment" means those life safety and property  
22 protection systems intended to protect lives and property from the risk of theft,  
23 unauthorized entry, or other physical harm to a structure's occupants or property.  
24 Security systems and equipment include but are not limited to intrusion alarms,  
25 closed circuit television, household fire alarm, and special locking systems.

26 (54) "Security technician" means an individual licensed to certify, inspect,  
27 install, integrate, sell, and service security systems and equipment or special locking  
28 systems.

1           (55) "Sell" means to solicit another on behalf of a property protection firm  
2           by any means, including but not limited to telephone or electronic device, public  
3           notice or advertisement, door-to-door or any other type of personal interaction.

4           (56) "Service" means to repair or maintain.

5           (57) "Specialist" means an individual who is trained and certified to perform  
6           life safety and property protection contracting within a specific endorsement.

7           (58) "Special locking systems" means an electro-mechanical lock, electronic  
8           lock, or electronic locking arrangement intended to control access or egress to a  
9           structure or area.

10          (59) "Specialty endorsement" means a narrow category of license  
11          authorizing its holder to perform only one aspect of life safety and property  
12          protection contracting.

13          (60) "Technical endorsement" means a broad category of license authorizing  
14          its holder to perform multiple aspects of life safety and property protection  
15          contracting within a certain endorsement.

16          (61) "Technician" means an individual who is trained and certified to  
17          perform life safety and property protection contracting within a technical  
18          endorsement.

19          §1664.4. License required

20            A. No person or firm shall engage in life safety and property protection  
21            contracting without holding a current and valid license issued by the fire marshal as  
22            provided in this Subpart. Life safety and property protection contracting is divided  
23            into the three main categories of fire sprinkler, fire protection, and security. Each  
24            operating location of a firm shall hold a separate firm license.

25            B. No person or company shall aid, abet, facilitate, or otherwise assist any  
26            unlicensed person or firm in engaging in life safety and property protection  
27            contracting as defined in this Subpart when such person or firm knew or should have  
28            known that the person or firm assisted was unlicensed.

29            C. The state fire marshal may, by rule, license the owner of a life safety and  
30            property protection system or equipment and an employee of the owner to allow such

1 employee to perform routine inspections and minor service and repairs of the life  
2 safety systems or equipment solely within the facilities of the owner. The owner  
3 shall document such service or repair and assume responsibility for all such service  
4 or repair. Such employee shall not engage in certifying, installing, or integrating  
5 such systems or equipment.

6 D. Each person who acts as an apprentice performing life safety and property  
7 protection contracting must apply to the state fire marshal for an apprentice license.  
8 The fire marshal shall establish the qualifications of an apprentice by rule. An  
9 apprentice may perform such services only under the direct supervision of a  
10 technician holding a valid license pursuant to this Subpart who works for the same  
11 firm as the apprentice.

12 §1664.5. Exemptions to licensure

13 The requirements for licensure shall not apply to:

14 (1) An officer or employee of the United States, this state, or any political  
15 subdivision of either, while engaged in the performance of his official duties within  
16 the course and scope of his employment with the United States, this state, or any  
17 political subdivision of either. However, no person or entity excepted from licensure  
18 pursuant to this Subpart shall engage in the certification, inspection, installation,  
19 integration, sale, or service of electronic locking, fire detection and alarm, fire  
20 sprinkler, fire suppression systems, or portable fire extinguishers.

21 (2) Any sworn police, fire, or other peace officer or certified medical  
22 technician may open any lock or locked motor vehicle while engaged in the  
23 performance of his official duties within the course and scope of his employment,  
24 provided that he receives no additional compensation for such services.

25 (3) Any owner, management firm, or public institution and such person's or  
26 entity's employees while such person or entity is certifying, inspecting, installing,  
27 integrating, selling, and servicing mechanical locks, intrusion alarm systems, or  
28 closed circuit television alarm systems, only on the premises of the owner or public  
29 institution during the normal course and scope of his duties.

1           (4) A member of the building trades or building owner performing the  
2           installation or removal of complete locks or locking devices when doing so in the  
3           course of residential or commercial new construction or remodeling.

4           (5) Any automotive service dealer, lock manufacturer, or manufacturer's  
5           employee engaged in servicing, installing, repairing, or rebuilding automotive locks.

6           (6) Any employee of a towing service, or an automobile club, while such  
7           person is opening automotive locks in the normal course of his duties.

8           (7) Any merchant or retail store that is in the business of selling, servicing,  
9           or installing intrusion alarms for motor vehicles. This exception from licensure shall  
10          also apply to the employees of the merchant or retail store but only as to work  
11          performed by them on behalf of the exempted employer.

12          (8) Any merchant or retail store that is in the business of selling intrusion  
13          alarm systems or closed circuit television systems or household fire warning systems  
14          at retail to an individual end user for self-installation. This exception from licensure  
15          shall also apply to the employees of the merchant or retail store but only as to work  
16          performed by them on behalf of the exempted employer.

17          (9) Any merchant or retail store that is in the business of re-coding new locks  
18          on the retail premises only or duplicating keys, except for those keys which are  
19          proprietary and those marked "do not duplicate" or "master key". This exception  
20          from licensure shall also apply to the employees of the merchant or retail store but  
21          only as to work performed by them on behalf of the exempted employer.

22          (10) Any manufacturer, and his employee or representative, who acts as a  
23          consultant to a licensed firm in the certifying, inspecting, installation, integrating,  
24          selling, and servicing of life safety and property protection systems regulated by this  
25          Subpart while under the direct supervision of the licensed firm.

26          (11) Any gate manufacturer or merchant that is in the business of installing,  
27          servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage  
28          door devices or gate systems for vehicle traffic. This exception from licensure shall  
29          also apply to the employees of the manufacturer or merchant but only as to work  
30          performed by them on behalf of the exempted employer.

1           (12) A firm or person licensed to perform electrical work by the State  
 2           Licensing Board for Contractors pursuant to R.S. 37:2156.1 and 2156.2 which  
 3           installs wire, conduit, or other wire raceways, its associated boxes or fittings, or  
 4           installs fire alarm initiating and notification devices or intrusion alarm systems or  
 5           closed circuit television systems or special locking systems in either commercial or  
 6           residential property. This exception from licensure shall also apply to the employees  
 7           of a firm or person exempted by this Subpart, but only as to work performed by them  
 8           on behalf of the exempted employer.

9           (13) A mechanical contractor licensed by the State Licensing Board for  
 10          Contractors and holding a statewide mechanical work license classification issued  
 11          by that board or, where applicable, a plumber licensed by the State Plumbing Board  
 12          who only certifies, inspects, installs, and services water supply piping supplying  
 13          sprinkler systems, stand pipe, and hose station systems, or fire pumps.

14          (14) A mechanical contractor licensed by the State Licensing Board for  
 15          Contractors and holding a statewide mechanical work license classification issued  
 16          by that board or, where applicable, a plumber licensed by the State Plumbing Board  
 17          who only installs piping within a fixed fire suppression system.

18          §1664.6. Application for a firm license; requirements to maintain

19           A. In order to engage in life safety and property protection contracting, a  
 20           firm shall apply for and obtain a license for each operating location doing business  
 21           in the state and the firm must apply for each discipline for which it shall perform life  
 22           safety and property protection contracting.

23           B. An applicant for a firm license shall submit the following to the fire  
 24           marshal:

25           (1) A completed firm application.

26           (2) Documentation that the firm is an entity duly authorized to conduct  
 27           business within this state. If the firm is physically located in Louisiana,  
 28           documentation shall be in the form of a local or parish occupational license and if  
 29           incorporated, registration with the secretary of state. If the firm is physically located

1            outside of the state, documentation shall be in the form of registration with the  
 2            secretary of state as a foreign corporation.

3            (3) An original certificate of insurance documenting that the firm has a  
 4            minimum of five hundred thousand dollars general liability coverage.

5            (4) An original certificate of insurance documenting that the firm has a  
 6            current and valid worker's compensation insurance policy as required by state law.

7            (5) The name of the person who will serve as the designated agent of the  
 8            company.

9            (6) Proof of employment of a qualifying individual with the proper  
 10           certification and training at each of its operating locations for each endorsement held.

11           (7) The application fee authorized by this Subpart.

12           C. A firm holding a property protection endorsement must be located within  
 13           the physical boundaries of the state.

14           D. A firm holding a security endorsement must provide the name of each  
 15           firm providing monitoring services.

16           E. Each firm as a condition of licensure shall be open for inspection by the  
 17           fire marshal or his designated representative at any reasonable time for the purpose  
 18           of observation and collection of facts and data relating to proper enforcement of this  
 19           Subpart. No person acting on behalf of the firm shall refuse to admit the fire marshal  
 20           or his designated representative to an operating location. Firms physically located  
 21           outside of Louisiana may be charged for the travel expenses of the fire marshal to  
 22           conduct such an inspection.

23           F. Each firm shall clearly display its license in a conspicuous location at its  
 24           place of business.

25           G. The designated agent of a life safety and property protection firm shall  
 26           notify the fire marshal within ten days of the following:

27           (1) Any change in the business address of the firm.

28           (2) Any change in ownership of or interest in the firm.

29           (3) Any change in the employment of a person holding an individual license.

1           (4) For firms with a property protection endorsement, any owner, partner,  
 2           or other principal with an interest in the firm who has been convicted of a felony or  
 3           entered a plea of guilty or nolo contendere to a felony charge or received a first-time  
 4           offender pardon. A felony that has been dismissed pursuant to Code of Criminal  
 5           Procedure Article 893 or equivalent judicial dismissal shall not apply to this  
 6           Paragraph.

7           (5) For firms with a security endorsement only, a change of the firm  
 8           providing monitoring services.

9           H. No life safety and property protection firm shall contract for the  
 10          independent services of a holder of an individual license under this Section.

11          §1664.7. Application for an individual license; requirements to maintain

12           A. In order to engage in life safety and property protection contracting, an  
 13           individual shall apply for and obtain a license for each discipline for which he shall  
 14           perform life safety and property protection contracting. Such license shall authorize  
 15           its holder to engage in life safety and property protection contracting for the  
 16           endorsements listed. Each individual license holder shall maintain his license on his  
 17           person while engaging in life safety and property protection contracting. Each such  
 18           license holder shall present his license for inspection upon demand by an employee  
 19           of the office of the state fire marshal, fire department, or a law enforcement officer.

20           B. Each individual license holder shall notify the fire marshal, on a form  
 21           specified and provided by the fire marshal, within ten days of the following:

22           (1) Any change in business or home address.

23           (2) Any separation from an employer or change in employer.

24           (3) For a person holding a property protection endorsement, any conviction  
 25           for a felony or entry of a plea of guilty or nolo contendere to a felony charge or  
 26           receipt of a first-time offender pardon.

27           C. No individual licensed under this Section shall contract for his services  
 28           as an independent contractor or agent with any life safety and property protection  
 29           firm or with any other license holder under this Section.

1           D. Meet all certification, continuing education, training, and testing  
2           requirements as established by the board.

3           E. An individual may act as a temporary apprentice for a thirty-day calendar  
4           period commencing on the date the fire marshal receives an application from the  
5           applicant. Applications for property protection endorsements must be accompanied  
6           by a criminal record check of the applicant. Such license shall expire on the thirtieth  
7           calendar day after its commencement or on the date of issuance of an apprentice or  
8           technician license, whichever is earlier.

9           §1664.8. Criminal background checks

10          A. Each principal or officer of a firm holding a property protection  
11          endorsement must undergo and pass a criminal background check prior to the firm  
12          receiving a license pursuant to this Subpart.

13          B. Each person holding a property protection endorsement must undergo and  
14          pass a criminal background check prior to receiving a license pursuant to this  
15          Subpart, except as provided in R.S. 40:1664.7(E).

16          C. No person or officer or principal of a firm applying for a property  
17          protection license shall have been convicted of a felony, received a first-time  
18          offender pardon for a felony, or entered a plea of guilty or nolo contendere to a  
19          felony charge. A felony that has been dismissed pursuant to Code of Criminal  
20          Procedure Article 893 or equivalent judicial dismissal shall not apply to this Subpart.

21          D. A conviction or a plea of guilty or nolo contendere to a felony charge or  
22          receipt of a first-time offender pardon shall not constitute an automatic  
23          disqualification as otherwise required pursuant to Subsection C of this Section if ten  
24          or more years has elapsed between the date of application and the date of successful  
25          completion or service of any sentence, deferred adjudication, or period of probation  
26          or parole.

27          E. Subsection D of this Section shall not apply to any person convicted of  
28          a felony crime of violence specifically enumerated in R.S. 14:2(13), a sex offense as  
29          defined in R.S. 15:541 (14.1), with the exception of R.S. 14:92(A)(7) and R.S. 14:80,  
30          or a felony offense against property as enumerated in R.S. 14:51 through 62.6.



1	<u>(2)(a) Technical Endorsement-Security</u>	<u>\$250</u>	<u>\$50</u>
2	<u>(b) Specialty Endorsement</u>		
3	<u>(i) Closed Circuit Television</u>	<u>\$250</u>	<u>\$50</u>
4	<u>(ii) Household fire</u>	<u>\$250</u>	<u>\$50</u>
5	<u>(3) Technical Endorsement-Fire Sprinkler</u>	<u>\$500</u>	<u>\$250</u>
6	<u>(4)(a) Technical Endorsement-Fixed</u>		
7	<u>Fire Suppression</u>	<u>\$350</u>	<u>\$100</u>
8	<u>(b) Specialty Endorsement</u>		
9	<u>(i) Pre-engineered</u>	<u>\$350</u>	<u>\$100</u>
10	<u>(ii) Kitchen suppression</u>	<u>\$350</u>	<u>\$50</u>
11	<u>(5)(a) Technical Endorsement-Fire Alarm</u>	<u>\$350</u>	<u>\$100</u>
12	<u>(b) Specialty Endorsement</u>		
13	<u>(i) Fire alarm (Non-required)</u>	<u>\$350</u>	<u>\$50</u>
14	<u>(ii) Fire alarm owner</u>	<u>\$350</u>	<u>\$50</u>
15	<u>(6) Technical Endorsement-Portable</u>		
16	<u>Fire Extinguishers/Hoses</u>	<u>\$350</u>	<u>\$150</u>
17	<u>(7) Technical Endorsement-DOT</u>		
18	<u>hydrostatic testing</u>	<u>\$350</u>	<u>\$50</u>
19	<u>C. The amount of licensing fees for a person shall be as follows:</u>		
20		<u>Initial fee</u>	<u>Renewal fee</u>
21	<u>(1)(a) Technical Endorsement-Locksmith</u>	<u>\$100</u>	<u>\$50</u>
22	<u>(b) Specialty Endorsement</u>		
23	<u>(i) Limited locksmith</u>	<u>\$100</u>	<u>\$50</u>
24	<u>(ii) Door hardware</u>	<u>\$100</u>	<u>\$50</u>
25	<u>(iii) Bank locking</u>	<u>\$100</u>	<u>\$50</u>
26	<u>(iv) Detention locking</u>	<u>\$100</u>	<u>\$50</u>
27	<u>(2)(a) Technical Endorsement-</u>		
28	<u>Security technician</u>	<u>\$100</u>	<u>\$50</u>
29	<u>(b) Specialty Endorsement</u>		
30	<u>(i) Closed Circuit Television</u>	<u>\$100</u>	<u>\$50</u>

1	<u>(ii) Household fire</u>	<u>\$100</u>	<u>\$50</u>
2	<u>(3) Technical Endorsement-Security sales</u>	<u>\$100</u>	<u>\$50</u>
3	<u>(4) Technical Endorsement-</u>		
4	<u>Fire Sprinkler Qualifier</u>	<u>\$100</u>	<u>\$50</u>
5	<u>(5) Technical Endorsement-</u>		
6	<u>Fire Sprinkler Inspector</u>	<u>\$100</u>	<u>\$50</u>
7	<u>(6)(a) Technical Endorsement-</u>		
8	<u>Fixed Fire Suppression</u>	<u>\$50</u>	<u>\$50</u>
9	<u>(b) Specialty Endorsement</u>		
10	<u>(i) Pre-engineered</u>	<u>\$50</u>	<u>\$50</u>
11	<u>(ii) Kitchen suppression</u>	<u>\$50</u>	<u>\$50</u>
12	<u>(7)(a) Technical Endorsement-Fire Alarm</u>	<u>\$50</u>	<u>\$50</u>
13	<u>(b) Specialty Endorsement</u>		
14	<u>(i) Fire alarm (Non-required)</u>	<u>\$50</u>	<u>\$50</u>
15	<u>(ii) Fire alarm owner</u>	<u>\$50</u>	<u>\$50</u>
16	<u>(8)(a) Technical Endorsement-</u>		
17	<u>Portable Fire Extinguishers/Hoses</u>	<u>\$50</u>	<u>\$50</u>
18	<u>(9) Technical Endorsement-</u>		
19	<u>DOT hydrostatic testing</u>	<u>\$25</u>	<u>\$25</u>
20	<u>(10) Technical Endorsement-Apprentice</u>	<u>\$50</u>	<u>\$50</u>

21 D. All licenses are valid for one year and must be renewed within thirty days  
 22 of its expiration date to remain valid. The fire marshal may create a prorated fee  
 23 system to allow employee license renewal dates to coincide with the firm license  
 24 renewal date.

25 E. A license not renewed within thirty days of its expiration date shall be  
 26 considered past due and subject to late fees. The late fee penalty shall be twenty-five  
 27 dollars for a license not renewed before thirty-one to forty-five days past the  
 28 expiration date and fifty dollars for a license not renewed before forty-six to sixty  
 29 days past the expiration date.

1           F. A license shall be suspended if not renewed within sixty days of its  
2           expiration date or if the license holder has not maintained the license. The cost to  
3           reinstate a suspended license shall be the cost of the initial fees plus twenty dollars.

4           G. The cost for a duplicate or replacement firm or individual license is  
5           twenty dollars, regardless of how many endorsements are carried.

6           H. The cost to transfer an individual license from one firm to another is  
7           twenty dollars.

8           I. The fees established in this Section shall not be refundable except under  
9           such conditions as the fire marshal may establish.

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

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

1           §1664.10. Powers and duties of state fire marshal

2                   The state fire marshal shall:

3                   (1) Formulate and administer such rules as may be determined essentially  
4 necessary for the protection and preservation of life and property and for the  
5 enforcement of this Subpart.

6                   (2) Evaluate the qualifications of firms or persons applying for or  
7 maintaining a license pursuant to this Subpart.

8                   (3) Conduct examinations to ascertain the qualifications and fitness of  
9 applicants for a license pursuant to this Subpart.

10                  (4) Issue licenses to firms and persons that meet the qualifications  
11 established by this Subpart.

12                  (5) Evaluate the qualifications of firms seeking approval as testing  
13 laboratories.

14                  (6) Have authority, after notice and opportunity for hearing, to increase or  
15 decrease the limits of insurance coverage and authorize acceptance of surplus lines  
16 coverage if the state fire marshal determines that due to loss experience, market  
17 conditions, or other good reason, the liability insurance coverage required by this  
18 Subpart is unavailable to applicants for or holders of licenses.

19                  (7) Have authority to conduct inspections of licensed firms, whether in state  
20 or out of state, for the purpose of observation and collection of facts and data relating  
21 to proper enforcement of this Subpart.

22           §1664.11. Life Safety and Property Protection Advisory Board

23                   A. The Life Safety and Property Protection Advisory Board is hereby created  
24 and placed within the Department of Public Safety and Corrections as further  
25 provided by R.S. 36:409(M) and 919.3. The board shall be composed of twelve  
26 members, as follows:

27                   (1)(a) Eleven members shall be appointed by the governor from a list of  
28 nominees submitted to the governor by the fire marshal.

1           (b) The board shall consist of members representing all aspects of life safety  
2           and property protection. Each of the technical endorsements shall be represented by  
3           at least one board member licensed for such.

4           (c) Any person appointed to the board shall be licensed pursuant to this  
5           Subpart and shall have been engaged in life safety and property protection  
6           contracting for a minimum of four years prior to his appointment, except that one  
7           member may be from an associate industry to life safety and property protection or  
8           end user for which no license is required.

9           (2)(a) One member shall be an employee of the office of the state fire  
10          marshal designated by the fire marshal.

11          (b) Such member shall serve as the chairman of the board but shall not vote  
12          except in the event of a tie vote of the members present and voting.

13          B.(1) Each appointed member shall serve a term of two years.

14          (2) The member designated by the fire marshal shall serve a term concurrent  
15          with the term of the fire marshal making such designation.

16          (3) No member shall serve more than two consecutive terms except the  
17          member designated by the fire marshal.

18          (4) A vacancy on the board occurring prior to expiration of a term shall be  
19          filled in the manner of the original appointment for the remainder of the term.

20          C. The board shall meet upon the call of the chairman or upon the written  
21          request of any three members of the board. Notice of any such meeting shall be  
22          given to board members and the public at least seven days in advance.

23          D. Five members of the board shall constitute a quorum for the transaction  
24          of business. The board may take action by majority vote of its members present and  
25          voting.

26          E. Each appointed member of the board may be reimbursed for travel and  
27          related expenses incurred, not to exceed those expenses authorized for  
28          reimbursement by the State Travel Guide, for each day that the member engages in  
29          board business.

1           F. No member of the board shall be liable in a civil action for any act  
 2           performed in good faith in the execution of his duties as a board member.

3           G. The board shall have the authority to approve all training, certification,  
 4           and examination requirements for licensure under this Subpart. The board shall have  
 5           the authority to approve written training programs as acceptable equivalents for  
 6           meeting the training or examination requirements of this Subpart. The board may  
 7           also accept, as such an equivalent, licensure of a firm or person by a jurisdiction  
 8           outside this state which has standards and requirements of practice which  
 9           substantially conform to the provisions of this Subpart. The board shall also  
 10          establish continuing education requirements.

11          H. In the absence of an appointed board, the fire marshal shall determine and  
 12          approve licensing equivalencies, written training programs, examination  
 13          requirements, and continuing education requirements.

14          §1664.12. Prohibited acts

15                 No person or firm shall do any of the following:

16                 (1) Engage in life safety and property protection contracting without a valid  
 17                 license.

18                 (2) Aid and abet an unlicensed individual, employee, or firm in life safety  
 19                 and property protection contracting.

20                 (3) Certify, inspect, install, integrate, sell, or service life safety and property  
 21                 protection contrary to plans submitted for review, applicable NFPA codes, standards,  
 22                 or manufacturers specifications without specific written authorization from the office  
 23                 of the state fire marshal.

24                 (4) Submit an application or any other document to the office of the state fire  
 25                 marshal when the person reasonably should have known that the document contained  
 26                 false or misleading information.

27                 (5) Engage in false, misleading, or deceptive acts or practices.

28                 (6) Fail to maintain a valid license as required by this Subpart.

29                 (7) Fail to maintain a valid insurance policy as required by this Subpart.

1           (8) Refuse to admit the fire marshal or his designated representative to an  
2           operating location or refuse to cooperate in the purposes of such admittance as  
3           required by this Subpart.

4           (9) Fail to maintain his license on his person and to present it for inspection  
5           as required by this Subpart.

6           (10) Fail to return the lockout, installer, or programming code of a life safety  
7           or property protection system to the factory default setting.

8           (11) Fail to abide by the administrative rules promulgated pursuant to this  
9           Subpart.

10           §1664.13. Notice, hearing, and revocation of certificate or license

11           The license as provided for in this Subpart may be revoked or suspended after  
12           notice and hearing in accordance with the Administrative Procedure Act and upon  
13           a finding that a person or firm:

14           (1) Willfully violated any provision of this Subpart or any rule, regulation,  
15           or order adopted hereunder.

16           (2) Used deceit or false or misleading information in obtaining any  
17           certificate or license pursuant to this Subpart.

18           (3) Has been professionally incompetent or grossly negligent.

19           (4) Has assisted any person attempting to evade the provisions of this  
20           Subpart, or any rules or regulations adopted hereunder.

21           §1664.14. Penalties

22           A.(1) In addition to or in lieu of administrative sanctions provided in this  
23           Subpart, the state fire marshal is empowered to issue an order to any person or firm  
24           engaged in any activity, conduct, or practice constituting a violation of any provision  
25           of this Subpart, directing such person or firm to cease and desist from such activity,  
26           conduct, or practice. Such order shall be issued in the name of the state of Louisiana  
27           under the official seal of the state fire marshal.

28           (2) If the person or firm to whom the state fire marshal directs a cease and  
29           desist order does not cease and desist the prohibited activity, conduct, or practice  
30           immediately after service of such cease and desist order by certified mail or personal

1 service, the state fire marshal may seek, in any court of competent jurisdiction and  
 2 proper venue, a writ of injunction enjoining such person or firm from engaging in  
 3 any activity, conduct, or practice prohibited by this Subpart.

4 (3) Upon a proper showing by the state fire marshal that such person or firm  
 5 has engaged in any activity, conduct, or practice prohibited by this Subpart, the court  
 6 shall issue a temporary restraining order restraining the person or firm from engaging  
 7 in unlawful activity, conduct, or practices pending the hearing on a preliminary  
 8 injunction, and in due course a permanent injunction shall be issued after a hearing,  
 9 commanding the cessation of the unlawful activity, conduct, or practices.

10 (4) A temporary restraining order, preliminary injunction, or permanent  
 11 injunction issued under this Subpart shall not be subject to being released upon bond.

12 (5) In the suit for an injunction, the fire marshal may demand of the  
 13 defendant a penalty of fifty dollars per day for each violation, reasonable attorney  
 14 fees, and court costs. Judgment for penalty, attorney fees, and court costs may be  
 15 rendered in the same judgment in which the injunction is made absolute.

16 B. If the state fire marshal finds that any person or firm has violated any  
 17 provision of this Subpart or any regulation, rule, or order issued hereunder, he may  
 18 impose upon that person or firm a fine in an amount not to exceed five thousand  
 19 dollars for each violation.

20 C. Procedures for the imposition of fines and appeals of such fines shall be  
 21 governed by the Administrative Procedure Act.

22 §1664.15. Purchased life safety and property protection system

23 A. Each firm engaged in life safety and property protection contracting who  
 24 sells a life safety or property protection system to a consumer shall immediately  
 25 return the lockout, installer, or programming code of the system to the factory default  
 26 setting when the consumer cancels the contract with the firm and contracts with  
 27 another firm provided all original contractual obligations are fulfilled.

28 B. In addition to the penalties provided in this Subpart, any life safety and  
 29 property protection contracting firm who violates this Section shall have its license  
 30 revoked and be subject to a civil fine pursuant to this Subpart.

1           §1664.16. Effect on local regulation, effective date

2                   A. Except for requirements which pertain to all types of businesses  
3                   generally, no parish or municipality shall enact any new ordinance, rule, or  
4                   regulation regulating firms and persons subject to licensure pursuant to this Subpart.

5                   B. This Subpart shall supersede any existing parish or municipal ordinance,  
6                   rule, or regulation requiring certification or licensure of firms and persons engaged  
7                   in life safety and property protection contracting and such ordinances, rules, and  
8                   regulations shall be null and void and have no effect.

9           Section 3. Subpart D of Part III of Chapter 7 of Title 40 of the Louisiana Revised  
10 Statutes of 1950, comprised of R.S. 40:1625 through 1638, Subpart E of Part III of Chapter  
11 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1651 through  
12 1661, and Subpart F of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of  
13 1950, comprised of R.S. 40:1662.1 through 1662.19, are hereby repealed in their entirety.

14           Section 4. This Act shall become effective on January 1, 2007.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_