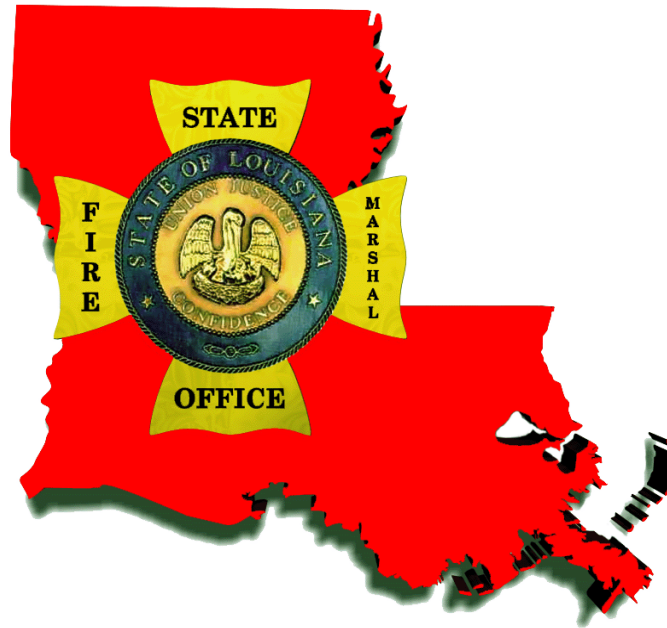


# **OFFICIAL MANUAL OF THE LOUISIANA STATE FIRE MARSHAL**

**Fire Marshal's Act  
Last Updated December 19, 2002**

Contains the Statutes, Code References and Administrative Rulings of the Office of the State Fire Marshal and Building Code Official, relative to the design, construction, and occupancy of buildings. (Structures, watercraft, and moveables)



The statutory provisions herein were neither compiled nor edited by the Office of the State Fire Marshal and are believed to be an accurate statement of the Louisiana Revised Statutes through the second Extraordinary Session of 2001. Postings to the Louisiana State Fire Marshal official web site as noted. First posted in this format December 19, 2002.

## **TITLE 14**

### **§403.4. Burn injuries and wounds; reports; registry; immunity; penalties**

A. The purpose of this Section is to combat arson through the rapid identification and apprehension of suspected arsonists who may suffer burn injuries during the commission of their crimes. It is the further intent of this Section to provide for a central registry for burn injuries and wounds data from which effective fire and arson prevention and fire safety education programs may be developed.

B. In every case of a burn injury or wound in which the victim sustains second or third degree burns to five percent or more of the body or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury or wound which is likely to or may result in death shall be reported to the office of state fire marshal, code enforcement and building safety, hereinafter sometimes referred to as the "office". That office shall then immediately notify the appropriate local or state investigatory agency or law enforcement agency of the receipt of such report and its contents.

C.(1) An oral report shall be made within twenty-four hours of the examination or treatment of the victim. The report shall be made by the physician attending or treating the case, or by the manager, superintendent, director, or other person in charge whenever such case is treated in a hospital, burn center, sanitarium, or other medical facility. The report may be recorded electronically or in any other suitable manner, by the office of state fire marshal, code enforcement and building safety.

(2) The oral report shall contain the following information if known:

- (a) Victim's name, address, and date of birth.
- (b) Address where the burn injury occurred.
- (c) Date and time of the burn injury.
- (d) Degree of burns and percent of body burned.
- (e) Area of body injured.
- (f) Injury severity.
- (g) Apparent cause of burn injury.
- (h) Name and address of reporting facility.
- (i) Name of the attending physician.

D.(1) The office shall maintain a central registry of all reported cases of the treatment or examination of persons with burn injuries or wounds. The registry may be used to provide information to those agencies whose duties include the investigation into possible arson activities.

(2) The office of state fire marshal, code enforcement and building safety, may adopt rules and regulations as may be necessary in carrying out the provisions of this Section. Specifically such rules shall provide for cooperation with local investigatory and law enforcement agencies and may also authorize law enforcement personnel and the state fire marshal to review those medical records of reported victims which relate to the burn without the consent of the victim.

E. No cause of action shall exist against any person who in good faith makes a report pursuant to this Section, cooperates in an investigation by any agency, or participates in any judicial proceeding resulting from such report.

F. Any person who knowingly files a false report shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Acts 1988, No. 641, §1; Acts 1991, No. 657, §1; Acts 1997, No. 1187, §2.

## **TITLE 22**

### **§1077. Fire marshal tax; Louisiana Fire Marshal Fund**

A. There is hereby levied an additional tax of one and one-fourth percent of the gross annual premium receipts from any business which insures property of any nature or description against loss or damage by fire, less return premiums on all insurers doing business in the state which insure property of any nature or description against loss or damage by fire. This tax shall be paid by all such insurers to the commissioner of insurance when paying their annual license taxes under this Part, and the commissioner of insurance shall refuse to issue a license to any insurer failing or refusing to pay this additional tax.

B. All funds received by the commissioner of insurance pursuant to Subsection A hereof shall be deposited immediately upon receipt into the state treasury.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection B hereof shall be credited to a special fund hereby created in the state treasury to be known as the "Louisiana Fire Marshal Fund". The monies in this fund shall be used solely as provided by Subsection D hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall revert to the state general fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the state general fund, again, following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

D. The monies in the fund shall be used solely for the activities of the office of state fire marshal and only in the amount appropriated by the legislature. The fund shall be administered by the assistant secretary of the office of fire marshal of public safety services.

E. Except as otherwise specifically provided in R.S. 40:1563.5, there shall be no fees charged for inspections by the state fire marshal.

Acts 1958, No. 125; Amended by Acts 1958, No. 416, §1; Acts 1968, No. 446, §1; Acts 1972, No. 252, §1; Acts 1987, No. 738, §1; Acts 1991, No. 1056, §1; Acts 1993, No. 687, §1.

## **TITLE 23**

### **PART III. REGULATIONS AFFECTING BOILERS**

#### **§531. Assistant secretary of office of state fire marshal, code enforcement and building safety to make rules**

A. The assistant secretary of the office of state fire marshal, code enforcement and building safety of the Department of Public Safety and Corrections, hereinafter in this Chapter referred to as the assistant secretary, shall have the exclusive power to investigate, and to promulgate rules and regulations for the proper construction, installation, repair, use, operation, and safety of boilers in this state and to issue orders for the enforcement of such rules and regulations as well as any provisions of law affecting boilers.

B. The rules and regulations so formulated shall conform as nearly as practicable to the boiler construction code of the American Society of Mechanical Engineers (ASME). Boilers and pressure vessels requiring ASME Code stamping by the owner, user, or fabricator in shop or field fabrication, assembly, modification, or repair shall be inspected in accordance with the ASME

Code and national board standards.

Amended by Acts 1975, No. 239, §1. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

**§532. Adoption, amendment, or repeal of regulations; effective date**

A. Before any rule or regulation is adopted, amended, or repealed, a public hearing or opportunity to be heard thereon by the public shall be given, of which ten days' notice shall be given in one or more newspapers of general circulation in the state. Such rules and regulations shall become effective after publication in one or more newspapers of general circulation in the state, or at such later time as the assistant secretary may fix, and shall thereafter have the force and effect of law.

B. No rule, regulation or amendment thereto applying to the construction of new boilers, or raising the standards governing the method of construction of new boilers or the quality of material used in them, shall become effective to prevent the installation of such until six months after publication. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

**§533. Printing of laws, rules, and regulations**

The assistant secretary shall cause to be printed for distribution to the public, the text of this Part, rules and regulations, and any other matter he deems relevant and suitable, and shall furnish the same to any person upon application therefor. Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

**§534. Duties of assistant secretary**

The assistant secretary shall:

(1) Employ and compensate, with the approval of the governor, inspectors and other assistants and employees as he may deem necessary for the exercise of the powers and the performance of the duties prescribed in this Part.

(2) Have free access for himself or authorized representatives to any premises in the state where a boiler is being constructed, installed, or operated, for the purpose of ascertaining whether such boiler is built, repaired, installed, or operated in accordance with the provisions of this Part.

(3) Prosecute all violators of the provisions of this Part.

(4) Issue, suspend, or revoke inspection certificates allowing boilers to be operated, as provided in this Part.

(5) Draw upon the state treasurer for funds necessary to meet any expense authorized by this Part which, in addition to the salaries of employees, shall include necessary traveling expenses and the expenses incident to the maintenance of any offices required in the state.

(6) Enforce the laws governing the use of boilers and to enforce the rules and regulations of the assistant secretary.

(7) Keep a complete record of the type, dimensions, age, condition, pressure allowed upon, location, and date of the last inspection, of all boilers to which this Part applies.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

**§535. Special inspectors**

A. In addition to the personnel authorized by R.S. 23:534(1), the assistant secretary may, upon the request of any company authorized to insure against loss from explosion of boilers in

this state, appoint the boiler inspectors of the said company as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors. These special inspectors shall receive no salary from nor shall any of their expenses be paid by the state. The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of inspection fees required in R.S. 23:541. Each company employing such special inspectors shall, within thirty days following each annual internal inspection made by them, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

B. In addition to the personnel authorized by R.S. 23:534(1), the assistant secretary may, upon the request of director of safety and permits for the city of New Orleans, appoint boiler inspectors of the city of New Orleans as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors, or the equivalent if the national board refuses to certify local inspectors due to population limits. These special inspectors shall receive no salary from nor shall any of their expenses be paid by the state. The continuance of a special inspector's appointment shall be conditioned upon his continuing in the employ as a boiler inspector of the city of New Orleans duly authorized as aforesaid, and upon his maintenance of the standards imposed by this Part. These special inspectors shall inspect all boilers in the city of New Orleans, and the owners or users of such boilers shall be exempt from the payment of inspection fees required in R.S. 23:541. The director of safety and permits for the city of New Orleans shall, within thirty days following each annual internal inspection made by such special inspectors, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

C. The assistant secretary shall have the authority to:

- (1) Revoke inspector recognition for cause and only after an administrative hearing.
- (2) Monitor inspection activities by the special inspectors for the city of New Orleans.
- (3) Follow up on overdue repair reports with the New Orleans inspection agency.
- (4) Promulgate rules and regulations through the Administrative Procedure Act as may be deemed necessary for the implementation of the provisions of this Section.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

### **§536. Annual inspection of boilers**

A. Each power boiler and high-pressure, high temperature water boiler used or proposed to be used, except boilers exempt under R.S. 23:540 and except as otherwise provided in this Part, shall receive a certificate inspection annually which shall be an external inspection while the boiler is under normal operating conditions. Such boilers shall also be inspected internally where construction permits at about six months after each external inspection. Except as provided in Subsection B, no more than fourteen months shall elapse between internal inspections. However, any power boiler, the operation of which is an integral part of or necessary adjunct to other continuous operations, shall be inspected internally and issued certificates at such intervals as are permitted by planned or scheduled shutdown of the processing operation of five days or more in

duration occurring after three years have elapsed since the last inspection of the boiler, but not exceeding five years between such intervals.

B. Upon the approval of the assistant secretary or his designated representative, the interval between internal inspections may be extended for a period not to exceed twenty-four months on stationary boilers provided: (1) continuous water treatment under competent and experienced supervision has been in effect since the last internal inspection for the purpose of controlling and limiting corrosion and deposits, (2) accurate and complete records are available showing that since the last internal inspection samples of boiler water have been taken at regular intervals not greater than twenty-four hours of operation and that the water condition in the boiler is satisfactorily controlled, (3) accurate and complete records are available showing the dates, if any such boiler has been out of service and the reasons therefor since the last internal inspection, and such records shall include the nature of all repairs to the boiler, the reasons why such repairs were necessary and by whom the repairs were made, and (4) the last internal and current external inspection of the boiler indicates the inspection period may be safely extended. When such an extended period between internal inspections has been approved by the assistant secretary or his designated representative, as outlined in this Section, a new certificate of operation shall be issued for that extended period of operation, and the inspection certificate fees shall be double the annual fees provided by law.

C.(1) Low pressure boilers shall receive a certificate inspection biennially.

(a) Steam or vapor boilers shall have an external inspection and an internal inspection every two years where construction permits;

(b) Hot water heating and hot water supply boilers shall have an external certificate inspection every two years and where construction permits, an internal inspection at the discretion of the inspector; and

(c) Potable water boilers shall have an external certificate inspection every two years.

(2) Inspections shall include the functions of all controls and devices. If at any time a hydrostatic test is deemed necessary to determine the safety of a boiler, the test shall be made at the discretion of the assistant secretary or his designated representative.

Amended by Acts 1966, No. 249, §1. Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 736, §1, eff. Jan. 1, 1987; Acts 1995, No. 43, §1.

### **§537. Certificates of inspection; fees; issuance and suspension**

A.(1) If, upon inspection, a boiler is found to be suitable and to conform to the rules and regulations of the assistant secretary, he shall issue to the owner or user thereof an inspection certificate specifying the maximum pressure which the boiler may be allowed to carry.

(2) A fee of twenty dollars shall be charged by the assistant secretary for the issuance of each inspection certificate, which shall be valid for not more than fourteen months from its date. A fee of forty dollars shall be charged for a certificate issued relative to an extension of internal inspection, and when inspection frequencies may be extended to two years for certain boilers. A fee of two hundred dollars shall be charged by the assistant secretary for the issuance of each inspection certificate valid for a time period not to exceed five years as permitted by R.S. 23:536(A).

(3) The inspection certificate shall be posted under glass in the room containing the boiler. In the case of a potable boiler, the certificate shall likewise be posted in a metal container fastened to a machine or tool box accompanying the boiler. No inspection certificate issued for a

boiler inspected by a special inspector shall be valid after the boiler for which it was issued ceases to be insured by an authorized insurance company.

B. The assistant secretary or his representative may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued cannot continue to be operated without menace to the public safety, or when the boiler does not comply with the rules issued hereunder. The suspension of an inspection certificate shall continue in effect until the boiler has been made to conform to the rules and regulations of the assistant secretary governing the use of boilers, and until the inspection certificate has been reinstated.

C. The boiler inspection certificate fee provided for in this Section is intended to cover the cost of the issuance of the said certificates and the same shall be retained and disbursed by the assistant secretary.

Amended by Acts 1966, No. 258, §1; Acts 1968, No. 436, §1; Acts 1980, No. 485, §1; Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 1011, §1; Acts 1995, No. 43, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

### **§538. Operation of boiler without inspection certificate; penalty**

The operation of a boiler without an inspection certificate, or at a pressure exceeding that specified in such inspection certificate shall constitute a misdemeanor on the part of the owner, user or operator thereof punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or imprisonment for not less than ten days, nor more than ninety days, or both. Each day of such unlawful operation shall constitute a separate offense.

### **§539. Installation of boilers**

A. No boiler shall be installed after six months from the date upon which the rules and regulations formulated by the assistant secretary governing new installations shall have become effective, unless the boiler conforms to such rules and regulations.

B. All boilers installed and ready for use, or being used, before the six months shall have elapsed, shall be made to conform to the rules and regulations of the assistant secretary governing existing installations, and the formulas therein prescribed shall be used in determining the maximum allowable working pressure therefor.

C. All boilers to be installed after six months from the date upon which the rules and regulations of the assistant secretary shall become effective, shall be inspected during construction by an inspector authorized to inspect boilers in this state or, if constructed outside the state, by an inspector holding a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or a certificate of authority from the assistant secretary, which may be issued by him to any inspector who holds a certificate of authority to inspect boilers from a state which has adopted boiler rules that require standards of construction and operation substantially equal to those of this state.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

### **§540. Exemptions from provisions**

This Part shall not be construed as in any way preventing the use or sale of boilers which have been installed or in use in this state prior to July 7, 1938, and which have been made to conform to the rules and regulations of the assistant secretary governing existing installations, as provided in R.S. 23:539; nor shall this Part apply to boilers subject to inspection by any

department or agency of the federal government; or to air tanks located on vehicles used for transporting passengers or freight; or to boilers of steam fire engines brought into the state for temporary use in times of emergency; or to portable boilers used for agricultural purposes only; or to steam heating boilers carrying not more than fifteen pounds pressure, and hot water heating and supply boilers used exclusively for noncommercial purposes located in any private home; or to boilers located in any private home.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1997, No. 1395, §1.

**§541. Fees for inspection**

A. The owner or user of a boiler required by this Part to be inspected by the assistant secretary or his representative shall pay to the assistant secretary an inspection fee based on the following schedule:

(1) Potable-water boilers	\$ 15.00	
(2) Heating boilers	\$ 35.00	
(3) Power boilers		
	External	Internal
(a) 100 sq. ft. or less heating surface	\$ 20.00	\$ 50.00
(b) Over 100 sq. ft. and not exceeding 1000 sq. ft. heating surface	\$ 35.00	\$ 75.00
(c) Over 1000 sq. ft. heating surface	\$ 70.00	\$ 150.00
(4) Electric boilers	\$ 30.00	\$ 50.00
(5) Coil-type steam generators	\$ 50.00	
(6) Special inspections		
(a) \$300.00 and expenses for up to one-half day	\$ 250.00*	
(b) \$600.00 and expenses for one day	\$ 500.00*	
(7) Quality control program reviews		
(a) Boiler and pressure vessel manufacturers and repair organizations		
(1) \$250.00 and expenses for up to one-half day		
(2) \$400.00 and expenses for one day		
(b) Safety valve assembly and repair organizations		
(1) \$250.00 and expenses for up to one-half day		
(2) \$400.00 and expenses for one day		
(8) Nuclear surveys		

- (a) \$250.00 and expenses for up to one-half day
- (b) \$500.00 and expenses for one day

B. Failure to pay any of the inspection fees herein provided within thirty days from the date of the inspection will subject the owner or user, or the person requesting the special inspection, as the case may be, to a penalty of twenty-five per centum of the original amount of the inspection fee.

C. The fees for inspection provided for in this Section are intended to defray the cost of employment of boiler and pressure vessel inspectors and the same shall be retained and disbursed by the assistant secretary for this purpose.

D. Any provision herein contained or in other laws to the contrary notwithstanding, the provisions of this Section shall not be applicable to commercial potable-water boilers of fifty gallon capacity or less.

E. The manufacturer of a boiler or pressure vessel required by this Part to be inspected shall pay to the assistant secretary an inspection fee for the ASME, or National Board of Boiler and Pressure Vessel Inspectors "Shop Reviews for Certificate of Authorization", or both, in the amount of one thousand five hundred dollars per location review.

Amended by Acts 1968, No. 437, §1; Acts 1975, No. 240, §1; Acts 1980, No. 446, §1; Acts 1983, 1st Ex. Sess., No. 8, §1; Acts 1986, No. 1011, §1; Acts 1999, No. 346, §1, eff. June 16, 1999; Acts 2000, 1st Ex. Sess., No. 90, §1.

\*As appears in enrolled bill.

#### **§542. Fidelity bonds of employees**

The assistant secretary may in his discretion require any employee to furnish a bond conditioned upon the faithful performance of his duties and upon a true account of moneys handled by him. The cost of these bonds shall be paid by the assistant secretary as a necessary administrative expense.

Amended by Acts 1983, 1st Ex. Sess., No. 8, §1.

#### **§543. Installation, moving, or reinstallation of power boilers, steam heating, or hot water boilers; licensing; examination; fees**

A. Every person, firm, or corporation engaged in the installation, moving, or reinstallation of power boilers, steam heating, or hot water heating boilers in this state shall be licensed by the assistant secretary to perform such work. Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.

B. The annual license fee shall be seventy-five dollars payable prior to issuance of such license, and on or before January thirty-first of each year.

C. Every person, firm, or corporation engaged in the installation of power boilers, steam heating, or hot water heating boilers shall, before a license is issued by the assistant secretary, pass a written examination administered by the chief boiler inspector. Each such person, firm, or corporation shall be required to have a single license and shall not be required to license individual employees.

D. The fee for this examination shall be fifty dollars, payable at the time of examination. Acts 1988, No. 382, §1; Acts 1997, No. 1395, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

**§544. Application for installation, moving, or reinstallation of a boiler, except in New Orleans; fee**

A. When any boiler in this state, the city of New Orleans excepted, is to be installed, moved, or reinstalled, the installer must be licensed by the assistant secretary to perform such work and shall submit an application to the chief boiler inspector. The application shall list the location of the boiler, the date installation is to be completed, the trade name of the boiler, the type of boiler, and the manufacturer's and National Board's identifying number.

B. This application for permit to install, move, or reinstall a boiler shall be accompanied by a permit fee of twenty-five dollars.

Acts 1988, No. 382, §1; Acts 1997, No. 1395, §1; Acts 2000, 1st Ex. Sess., No. 90, §1.

**§545. Penalties**

No boiler in this state, the city of New Orleans excepted, shall be installed, moved, or reinstalled without a permit issued to a licensed person by a chief boiler inspector. Whoever fails to comply with the provisions of R.S. 23:543 and 544 shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both. Each violation hereunder shall constitute a separate offense.

Acts 1988, No. 382, §1.

**§1562. Assistants and deputies**

A. The fire marshal may appoint a first assistant at a salary that he deems reasonable. The first assistant shall have the same qualifications as are required of the state fire marshal.

B. The fire marshal may also appoint such deputies, counsel, and other officers and employees as he thinks necessary for the proper performance of the duties imposed upon him by the provisions of this part. In these appointments, the fire marshal shall use the funds necessary for such purpose and available to him from the fire marshal fund in the state treasury and from appropriations made by the legislature.

Amended by Acts 1956, No. 94, §1; Acts 1970, No. 419, §1; Acts 1974, No. 230, §1; Acts 1981, No. 655, §1.

**§1562.1. Organization of Fire Marshal's Office**

The fire marshal's office shall be organized into the following sections:

- A. Administrative
- B. Engineering
- C. Inspection
- D. Investigation

Added by Acts 1974, No. 231, §1.

**§1563. Powers and duties generally; use of deputies; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees**

A. The fire marshal shall take all steps necessary and proper to protect life and property from the hazards of fire and of panic which may arise from fire or from the threat of fire or explosion.

B. Specifically, the fire marshal shall supervise through his own office the provisions of Subparts D, D-1, D-2, E, and F of this Part and, except for those open structures and process structures as defined in Subsection J of this Section and except in those jurisdictions in which

local governing authorities have established fire prevention bureaus, the following:

- (1) The construction and maintenance of exits, including fire escapes, exit doors, and emergency lighting.
- (2) The installation and operation of heating, air conditioning, and ventilating systems.
- (3) The use of flammable materials for decorative purposes in places of public assembly.
- (4) The inspection of all structures, except the interior of private homes and movables, for the purpose of reducing or eliminating fire hazards.

C.(1) Within the jurisdiction of any local governing authority in which a fire prevention bureau has been properly established, headed by the chief of a fire department or a person designated by the chief of a fire department and staffed with qualified individuals whose qualifications have been reviewed by the fire marshal to perform the duties of fire inspection and investigation who have special training in the fields of fire protection, fire investigation, and fire codes at the Louisiana State University Firemen Training Program or comparable educational institution, the local governing authority, through its fire prevention bureau, shall be responsible for conducting fire inspections and investigations necessary to enforce the provisions of Paragraphs (1), (2), (3), and (4) of Subsection B of this Section, except for institutional occupancies requiring state or federal licenses.

(2) In such cases, the fire marshal shall not make or supervise those inspections and investigations unless specifically requested by the fire prevention bureau or the local governing body of that jurisdiction or upon complaint from any citizen. The state fire marshal shall monitor inspections performed on behalf of the state fire marshal by certified local fire prevention bureaus to ensure the equal, effective enforcement of the state's adopted fire protection, life safety, and handicapped accessibility laws, codes, rules, and regulations by:

(a) Requiring adoption as a minimum standard those codes as adopted and enforced by the state fire marshal.

(b) Requiring copies of inspection reports to be filed with the state fire marshal's office.

(c) Requiring continuing education as necessary to maintain competence through a training program recognized by the state fire marshal.

(d) Revoking certification of local fire prevention bureaus for cause after an administrative hearing, in accordance with the Administrative Procedure Act.

(3) The fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license and the applicable federal and state life safety codes shall be the codes applying to these facilities.

(4) Nothing contained in this Section to limit the responsibility or liability of the fire marshal or to authorize the fire marshal to delegate his authority without attendant responsibility or liability shall remove from the fire marshal the authority to monitor the performance of any local fire prevention bureau or local governmental agency to perform those functions which would otherwise be performed by the fire marshal.

D. For the purpose of this Part, a "fire prevention bureau" is defined as any agency of a locally governed jurisdiction staffed by qualified individuals whose qualifications have been reviewed by the fire marshal whose responsibility it is under the laws or ordinances of that locally governed jurisdiction to inspect structures, watercraft, and movables for compliance with the appropriate fire code applicable as provided in R.S. 40:1578.6 and to conduct investigations of fires in accordance with the provisions of R.S. 40:1566 and R.S. 40:1568.

E. In the execution of the duties imposed upon him by this Part, the fire marshal may

designate any of his regular, salaried deputies to act for him except with respect to matters of appeal from notices for the abatement of hazardous conditions, as provided in R.S. 40:1577.

F. The fire marshal shall have the authority in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision or enforcement, including but not limited to R.S. 40:1561 et seq., R.S. 49:148 et seq., R.S. 51:650 et seq., and R.S. 51:911.21 et seq., to prepare, adopt, and promulgate rules and regulations in accordance with the Administrative Procedure Act, and he shall compile a written set of current rules and regulations setting forth state laws and regulations governing fire hazards and life safety requirements and shall distribute to building owners copies of such compilation upon request. He shall also have available copies of said regulations for release upon request of any interested person and copies of state laws and regulations shall be distributed to all fire fighting agencies within the state.

G.(1) The fire marshal shall have authority to charge fees for conducting inspections, both as to private persons, and the state. Such fees shall be designed to cover, but not exceed, the actual cost of the inspections. The inspection fee shall be based on the time required for the inspection multiplied by 2.5 times the average hourly pay rate for inspectors; provided however, all nonpublic elementary and secondary schools shall be exempt from the payment of such fees imposed herein.

(2) As used in this Subsection, the following definitions shall apply:

(a) "Inspection" (INSP) means a survey of a single-story building, each floor of a multi-story building, or buildings having multiple occupancies or multiple building additions separated by horizontal two-hour fire rated construction which require separate surveys.

(b) "Reinspection" (REINSP) means a follow-up to an inspection or final inspection to determine if proper remedial action was taken to correct deficiencies.

(c) "Final inspection" (FINAL INSP) means an inspection to determine if a new construction, renovation, remodeling, addition, or change of occupancy in accordance with R.S. 40:1574 is in compliance with applicable state laws and regulations.

H.(1) The fire marshal, in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision, enforcement, licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S. 51:650 et seq., R.S. 51:911.21 et seq., and R.S. 40:1484.1 et seq., upon reasonable suspicion that a violation of the foregoing has occurred or is about to occur, shall have the authority to swear out and, upon issuance by a judge, execute search warrants.

(2) A court may issue search warrants on application of the fire marshal, in accordance with law, which warrant shall authorize the search for and seizure of anything within the territorial jurisdiction of the court in aid of the enforcement of the laws under the supervision, enforcement, licensure, or regulation of the office of fire marshal.

(3) The search warrant shall be directed to the fire marshal or his designated representative and shall describe the premises to be searched. The fire marshal or his designated representative to whom the warrant is directed shall make proper return thereon of the action taken on it and shall describe all property or records seized, if any. Any property or records seized shall be retained under the custody and control of the fire marshal or his designated representative until further order of the court or as may be provided by law.

I.(1) The fire marshal, in order to carry out the purposes of this Part or any other law for which he is given responsibility for supervision, enforcement, licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S. 51:650 et seq., R.S. 51:911.21 et seq., and R.S.

40:1484.1 et seq., shall have the authority to request the issuance of subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before him in any matter over which he has jurisdiction.

(2) A court, upon application and acceptable presentation, may order a subpoena or subpoena duces tecum to be issued requiring a witness to appear before the fire marshal to give testimony or to produce evidence. Upon filing such order in the office of the clerk of the appropriate court, the clerk shall issue the subpoena or the subpoena duces tecum according to law.

(3) Punishment for failure to comply with a subpoena or a subpoena duces tecum, proof of service of which appears of record, shall be subject to the sanctions available by law to the issuing court.

J.(1) Process structures as defined herein shall conform to the requirements of the National Fire Protection Association's Life Safety Code as provided in R.S. 40:1578.6, except that stairs, guard rails, and hand rails shall comply with the applicable worker safety requirements of the Occupational Safety and Health Administration.

(2) "Open structure" means a structure that supports equipment and operations not enclosed within building walls, but which may include a roof or canopy, found in oil refining, chemical processing plants, power plants, pulp and paper mills.

(3) "Process structure" means a naturally ventilated structure enclosed within building walls whose primary function is to protect equipment from the environment in oil refining, chemical processing plants, power plants, pulp and paper mills, and which structure is normally not occupied.

Amended by Acts 1952, No. 340, §1; Acts 1974, No. 232, §1; Acts 1977, No. 348, §1; Acts 1981, No. 781, §1; Acts 1984, No. 231, §1; Acts 1984, No. 421, §1, eff. July 6, 1984; Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1984, No. 410, §1, eff. July 6, 1984; Acts 1990, No. 268, §1; Acts 1990, No. 356, §1; Acts 1991, No. 278, §1; Acts 1991, No. 664, §1; Acts 1995, No. 1054, §2, eff. Aug. 1, 1995; Acts 1997, No. 954, §1; Acts 1999, No. 173, §1, eff. June 9, 1999; Acts 2001, No. 393, §1, eff. June 13, 2001.

### **§1563.1. Authority to make arrests and carry firearms**

A. The fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, shall have the authority to investigate and cause the arrest of individuals suspected of having violated the following criminal laws:

- (1) R.S. 14:51, aggravated arson.
- (2) R.S. 14:52, simple arson.
- (3) R.S. 14:53, arson with intent to defraud.
- (4) R.S. 14:54, placing combustible material.
- (5) R.S. 14:54.1, communicating false information of planned arson.
- (6) R.S. 14:54.2, manufacture and possession of delayed action incendiary devices.
- (7) R.S. 14:54.3, manufacture and possession of a bomb.
- (8) R.S. 14:54.5, fake explosive devices.
- (9) R.S. 14:59 (A)(2), criminal mischief relating to the giving of any false alarm of fire.
- (10) R.S. 14:204, fire-raising on lands of another by criminal negligence.
- (11) R.S. 14:205, fire-raising on lands of another with malice.

(12) R.S. 14:206, fire prevention interference.

(13) R.S. 14:327, obstructing a fireman.

(14) R.S. 22:1243, insurance fraud.

(15) R.S. 22:1244, insurance fraud.

(16) Any other criminal laws making unlawful an attempt or conspiracy to commit the foregoing offenses.

B. The officials enumerated in this Section shall also have the power to seize contraband subject to forfeiture as described in R.S. 14:54.4, in accordance with the procedure established in said provision.

C.(1) The fire marshal shall issue a commission to any state arson investigator who qualifies as post-certified to carry firearms allowing him to carry and use firearms and to arrest individuals suspected of violating the crimes enumerated in this Section.

(2) The governing authority of a political subdivision may issue a commission to any local arson investigator allowing him to carry and use firearms and to arrest individuals suspected of violating crimes enumerated in this Section.

Added by Acts 1970, No. 539, §1. Amended by Acts 1974, No. 233, §1; Acts 1981, No. 841, §1; Acts 1997, No. 973, §1; Acts 1997, No. 973, §1; Acts 1999, No. 173, §1, eff. June 9, 1999.

### **§1563.2. Inspection of family day care homes; inspection fees**

A. The state fire marshal or his designee shall inspect family child day care homes in which there are fewer than seven children receiving care, whether certified by the Department of Social Services or the Department of Education.

B.(1) Repealed by Acts 1999, No. 558, §2.

(2) The state fire marshal shall collect a fee, for all required inspections, of thirty dollars per inspection. The state fire marshal shall not collect any other fees for the inspections and all fees collected shall be used to employ personnel to perform the inspections.

(3) All inspections shall be conducted on an annual basis.

(4) The inspections shall assure that the family child day care home meets the minimum requirements set forth by the Department of Social Services and the Department of Education.

C.(1) All fees collected by the office of state fire marshal for these inspections shall be deposited immediately upon receipt into the state treasury.

(2), (3) Repealed by Acts 1992, No. 984, §18.

Acts 1986, No. 616, §1, eff. July 1, 1986; Acts 1992, No. 984, §18; Acts 1997, No. 1187, §2; Acts 1999, No. 558, §§1 and 2.

### **§1563.3. Restriction on the use of the titles "fire marshal" and "deputy fire marshal"**

No employee of any department, division, or agency of the state or any municipality, parish, or other political subdivision of the state except employees of the office of state fire marshal, code enforcement and building safety, Department of Public Safety and Corrections, shall use or allow to be used the title of "fire marshal" or "deputy fire marshal".

Acts 1989, No. 181, §1; Acts 1997, No. 1187, §2.

### **§1563.4. Imposition of civil penalties by the state fire marshal for violations**

A. The state fire marshal, in addition to any other provision of law providing penalties for

violations, may impose a civil fine of up to one thousand dollars, for violation of any statute, rule promulgated through the Administrative Procedure Act, regulation, or code for which he is responsible for enforcing or any lawful order issued by him in writing and only after deadlines imposed in the order have expired. Where applicable, each day of violation shall constitute a separate violation. The state fire marshal shall, in accordance with the Administrative Procedure Act, promulgate a schedule of fines to be applicable to each area of enforcement responsibility.

B. All such penalties imposed may be appealed in accordance with the provisions of the Administrative Procedure Act.

C. All monies collected pursuant to a fine imposed under this Section shall be made payable to the office of state fire marshal, code enforcement and building safety and shall be deposited immediately upon receipt into the state treasury.

Acts 1991, No. 956, §1; Acts 1997, No. 789, §1.

#### **§1563.5. Inspection fees**

The state fire marshal may charge inspection fees pursuant to R.S. 23:537 and 541 and R.S. 51:911.22, 911.28, 911.32, and 911.44.

Acts 1993, No. 687, §2.

#### **§1564. Cost of performing functions**

The cost of performing the functions assigned to the fire marshal under the provisions of this part shall be borne by the fire marshal fund in the state treasury, created by R.S. 22:1077 and with other such funds as may be appropriated by the legislature for such purposes.

Amended by Acts 1968, No. 418, §1; Acts 1974, No. 234, §1.

#### **§1565. Account of money; audit**

The fire marshal shall keep an accurate account of all money received and disbursed by him under the provisions of this part and shall include a statement thereof in his annual report.

The legislative auditor or other appropriate officer shall annually audit the transaction of the fire marshal's office.

Amended by Acts 1974, No. 234, §1.

#### **§1566. Investigation of fires; reports; records of fires**

Under the direction of the fire marshal, the chief of the fire department in each municipality where a fire department is established, the chief officer of each special fire protection district created under Part I of this chapter, the town marshal of towns and villages which have no fire department, or the sheriff of each parish, insofar as the territory outside the limits of any incorporated municipality or of any special fire protection district is concerned, shall investigate the cause, origin, and circumstances of every fire occurring within their respective jurisdictions. This investigation shall specifically determine, insofar as possible, the cause of and circumstances surrounding the fire. The investigation shall be made at the earliest possible time following the start of the fire. The officer making the investigation shall immediately notify the fire marshal if the circumstances indicate that the possible cause of the fire is human design or criminal neglect. Upon receiving such a report of possible arson or fire caused by design or criminal neglect, the fire marshal shall assign one or more deputies to direct the investigation.

Local officers making investigations hereunder shall transmit monthly a written statement of

all facts relating to the cause and the origin of the fire, the kind, value, and ownership of the property destroyed or damaged, the amount of insurance which may have been in force upon the property at the time of the fire, and any other information called for by the fire marshal.

The fire marshal shall keep in his office a record of each fire occurring in the state, together with all facts, statistics, and circumstances thereof, including the origin of the fire, that have been determined by the investigations provided for in this section or otherwise.

Amended by Acts 1974, No. 235, §1.

#### **§1566.1. Fire safety inspection**

When the fire marshal directs the inspection of a building and the marshal or his authorized agent is refused permission to conduct such inspection, the marshal or his authorized agent may petition the local district court to order that he be allowed to make such inspection. This order shall be granted immediately where the fire marshal demonstrates an immediate need to inspect the premises to guarantee the safety and welfare of the public from any possible hazards. The owner and/or leasee shall be served with a petition to show cause why the inspection should not be conducted.

Added by Acts 1976, No. 380, §1.

#### **§1567. Fee for fire reports by volunteer fire departments**

A. A fee of five dollars for each structural fire report plus mileage at the rate established for state employees per mile for each mile traveled to and from the place of the fire shall be paid to a volunteer fire department for each fire report made based upon an investigation and inspection by the volunteer members of the volunteer fire department. The fire reports shall be submitted to the fire marshal on forms provided by his office and in accordance with standards prescribed by the fire marshal.

B. For purposes of this Section the term "volunteer member" means an individual certified under the authority of R.S. 40:1563 who does not receive any compensation for his services, and the term "volunteer fire department" means a legally constituted fire department or fire protection district having fewer than four persons who are qualified for and receive state supplemental pay under the provisions of R.S. 33:2001, et seq.

C. Annual implementation of the standards prescribed by the fire marshal as to the fires which require investigation or inspection reports and the content of those reports shall be subject to review by the Fire Marshal's Review Board established by R.S. 40:1578.1.

Amended by Acts 1974, No. 235, §1; Acts 1978, No. 679, §1; Acts 1982, No. 28, §1.

#### **§1567.1. Fees for copies of fire and investigation reports**

The fire marshal shall furnish copies of fire and investigation reports to any person upon the payment of two dollars per page for fire reports and other reports on letter size paper and five dollars per page for investigation reports and other reports on legal size paper.

Added by Acts 1977, No. 524, §1, eff. July 19, 1977.

#### **§1568. Special investigations of fires of suspicious origin**

A. The fire marshal shall make or cause to be made a special examination of the circumstances surrounding each fire of suspicious origin and of any fire reported to have been caused by design.

B. In the performance of this duty, the fire marshal or his authorized representative may take or cause to be taken testimony from persons supposed to be cognizant of any fact which may relate to the cause of any fire. To this end, he may secure testimony under oath and have it reduced to writing.

C. If, after this investigation, the fire marshal or his authorized representative is of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall have the person arrested and so charged and shall furnish to the district attorney of the judicial district in which the fire occurred all the evidence, together with the names of the witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Amended by Acts 1952, No. 340, §2; Acts 1974, No. 235, §1; Acts 1999, No. 173, §1, eff. June 9, 1999.

### **§1568.1. Investigation**

The fire marshal shall order a special investigation of any fire resulting in more than one human death within this state.

Added by Acts 1974, No. 235, §2.

### **§1568.2. Investigation of fires; duty to disclose by insurance companies, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association and the Louisiana Insurance Underwriting Association; protection from liability**

A.(1) In the course of an examination of a fire of suspicious origin, conducted pursuant to R.S. 40:1568 or other lawful authority, the fire marshal or his authorized representative or any lawfully constituted law enforcement agency or investigative unit of any lawfully constituted fire department may request any insurance company investigating a loss of immovable or movable property, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association to release any information in its possession relative to that loss.

(2) The company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association shall release the information and cooperate with the investigating officer requesting such information.

(3) The information shall include but is not limited to:

(a) Any insurance policy relevant to a loss under investigation and any application for such a policy.

(b) Policy premium payment records.

(c) History of previous claims made by the insured for fire loss; and

(d) Material relating to the investigation of the loss including statements of any person, proof of loss, and any other relevant evidence.

B. An insurance company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association having reason to believe that a loss to its insured's real or personal property was caused by incendiary means shall notify the fire marshal, and may additionally notify the chief executive officer of a lawfully constituted law enforcement agency or fire department, and furnish him or them with all relevant material acquired during its investigation of the loss, cooperate with and take such action as may be requested of it by any law enforcement agency, and permit any person ordered by a

court to inspect any of its records pertaining to its policy and the loss.

C. No person who furnishes information on behalf of an insurance company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association is or shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement or statements made or any other action taken to supply information required pursuant to this Section, and all such insurance companies, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, the Louisiana Insurance Underwriting Association, and persons shall be granted civil and criminal immunity for any such information furnished in good faith in the absence of fraud or malice to the fire marshal or law enforcement agency or fire department during the course of the investigation.

D.(1) Investigating officers and other state officials receiving information furnished pursuant to this Section shall hold the information in confidence until such time as its release is required pursuant to criminal or civil proceedings.

(2) The fire marshal, his authorized representative, or the appropriate law enforcement or fire department officials and personnel may be required to testify as to any information in his or their possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company, the Property Insurance Association of Louisiana, the Louisiana Joint Reinsurance Association, and the Louisiana Insurance Underwriting Association for the fire loss.

Added by Acts 1978, No. 488, §1. Acts 1984, No. 226, §1.

**§1569. Repealed by Acts 1999, No. 173, §2, eff. June 9, 1999.**

**§1570. Examination of premises; searches and seizures**

The fire marshal or his authorized representative may, at all times of day or night, in the performance of the duties imposed by the provisions of this Part, enter upon and examine any building or premises where any fire has occurred and other buildings or premises adjoining or near thereto. He, or his authorized representative, may make an affidavit before any justice of the peace in the state or any other officer authorized by law to issue search warrants that he believes or has reason to believe that by a search of certain premises, designated in the affidavit, he will obtain evidence tending to show the origin of a fire to have been incendiary. Upon receiving this affidavit, the justice of the peace, or other officer shall issue a warrant authorizing the fire marshal or his representative to search the premises named in the affidavit and designated in the warrant.

**§1571. Investigations may be private**

All investigations held by or under the direction of the fire marshal or his authorized representative may, in his discretion, be private. Persons other than those required to be present by the provisions of this Part may be excluded from the place where the investigation is held.

**§1572. Separation of witnesses**

In investigations held by or under the direction of the fire marshal or his authorized representative, witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

### **§1573. Definition of "structure", "watercraft", and "movable"**

For the purposes of this Part, the term:

(1) "Movable" means any movable facility or enclosure in which fifty or more people may assemble.

(2) "Structure" means any building or structure of any nature or kind whatsoever except the interior of a single private dwelling, or a duplex.

(3) "Watercraft" means any vessel, boat, or other watercraft of any size, nature, or kind except ocean-going vessels, commercial fishing vessels, or coastwise vessels, or private pleasure craft.

Amended by Acts 1952, No. 340, §4; Acts 1997, No. 170, §1.

#### **§1573.1. Historic buildings renovation initiative**

A. In order to encourage historic preservation and the preservation of Louisiana's architectural heritage, when applying the requirements of the adopted fire, life safety, or handicapped accessibility regulations and when implementing the applicable provisions of R.S. 40:1574, the state fire marshal shall have the authority to take into consideration the impact of these requirements on the historic integrity of existing facilities.

B. Where it is determined by the state fire marshal that public safety is not jeopardized and a minimum acceptable level of safety is achieved, the state fire marshal shall have the authority to consider alternatives to the specific requirements of the adopted laws, codes, rules, and regulations.

Acts 1997, No. 961, §1.

#### **§1574. Construction or repair of structures**

A. No structure, watercraft, or movable shall be constructed until building plans and specifications therefor have been submitted to and reviewed by the fire marshal and appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state.

B. No repair, remodeling, or addition shall be made to any structure, watercraft, or movable affecting the exits, stairs, seating arrangement, fire protection, or other details of construction covered by this Part until plans and specifications therefor have been submitted to and reviewed by the fire marshal and appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state.

C. If within any twelve month period, alterations or repairs costing in excess of fifty percent of the then physical value of the building are made to an existing building, such building shall be made to conform to the requirements of the code for new construction.

D. Where an entire floor of a facility, building, or structure is substantially renovated, that floor shall be made to conform with the requirements of the code for new construction to such extent as the state fire marshal may determine to be practicably feasible, provided however, and notwithstanding the provisions of R.S. 40:1578.1(A), the board of review shall be the final authority on issues of practical feasibility.

E. Altered elements in existing facilities shall be made to conform to the requirements of the code for new construction to such extent as the state fire marshal may determine is practicably feasible, provided however, and notwithstanding the provisions of R.S. 40:1578.1(A), the board of review shall be the final authority on issues of practical feasibility.

F. The physical value of a building in Subsection C of this Section may be established by an

appraisal not more than three years old, provided that said appraisal was performed by a certified appraiser, or by the tax assessor in the parish where the building is located. In the absence of such an appraisal, the physical value of the building in Subsection C of this Section shall be established by the state fire marshal.

G. The cost of alterations or repairs in Subsection C of this Section may be established by an estimate signed by a licensed architect, by a licensed general contractor, or in the absence of either such licensed person, by the state fire marshal.

H. Persons who wish to appeal a decision of the state fire marshal relative to the physical values of buildings or the estimations of the cost of alterations or repairs in Subsection C of this Section may request an opinion from the board of review as provided in R.S. 40:1578.1 through 1578.5.

I. If the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of the code for the new occupancy. If the occupancy of only a portion of an existing building is changed, and that portion is properly separated from the remainder, then only such portion need be made to conform.

J. Repairs and alterations, not covered by the preceding Subsections of this Section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the code will be made in such manner as will not extend or increase an existing nonconformity or hazard.

K. The state fire marshal shall have the authority to take into consideration practical difficulties and unreasonable economic hardships before applying the strict requirements of this Section. In cases of practical difficulty or unreasonable economic hardship, the state fire marshal may upon appeal allow alternative arrangements provided a minimum acceptable level of life safety is achieved to the satisfaction of the state fire marshal.

Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1991, No. 582, §1; Acts 1997, No. 961, §1.

**§1574.1. Costs of handling plans**

A. In addition to a postage and handling fee of five dollars, the owner of the project who submits the plans and specifications shall pay to the office of state fire marshal, code enforcement and building safety a plan review or document fee based on the following schedule:

(1) Assembly occupancy		
Area in square feet		Fee
0 - 2500	\$	30.00
2501 - 4500		60.00
4501 - 10,000		180.00
10,001 - 50,000		280.00
50,001 - 100,000		380.00
100,001+		530.00
(2) Educational		
Area in square feet		Fee
0 - 5,000	\$	30.00
5001 - 10,000		60.00
10,001 - 30,000		100.00
30,001 - 80,000		200.00
80,001 - 150,000		300.00

	150,001+	400.00
(3)	Health care/detention	
	(a) Area in square feet	Fee
	0 - 10,000	\$ 180.00
	10,001 - 20,000	280.00
	20,001 - 50,000	380.00
	50,001 - 100,000	480.00
	100,001+	680.00
	(b) High rise (all new)	830.00
(4)	Hotels, dormitories, apartments, lodgings, rooming houses, residential & board care facilities	
	(a) Area in square feet	Fee
	0 - 2500	\$ 30.00
	2501 - 10,000	60.00
	10,001 - 30,000	180.00
	30,001 - 80,000	280.00
	80,001 - 150,000	380.00
	150,001+	480.00
	(b) High rise (all new)	680.00
(5)	Mercantile/business	
	(a) Area in square feet	Fee
	0 - 3000	\$ 30.00
	3001 - 10,000	60.00
	10,001 - 30,000	90.00
	30,001 - 50,000	150.00
	50,001 - 150,000	200.00
	150,001+	300.00
	(b) High rise (all new)	500.00
(6)	Industrial, storage, special structures	
	Area in square feet	Fee
	0 - 10,000	\$ 30.00
	10,001 - 20,000	60.00
	20,001 - 50,000	90.00
	50,001 - 100,000	120.00
	100,001+	200.00
(7)	Storage tank (tank installation only)	
	Single tank	\$ 50.00
	Plus \$30.00 for each additional tank	
(8)	Sprinkler systems	
	(a) Number of sprinkler heads per floor (Tenant spaces submitted separately are considered a floor for fee purposes)	
	1 - 50	\$ 30.00
	51 - 300	60.00

301 - 450	120.00
451+	150.00
(b) Hydraulic calculations	40.00
(c) 20 head or less shop drawing exemption request	10.00
(9) Fire suppression systems, other than sprinkler systems	
(a) Number of devices	
0 - 10	\$ 30.00
11 - 25	60.00
26 - 50	120.00
51 - 75	180.00
76 - 100	200.00
101+	300.00
(b) Calculations	40.00
(10) Fire detection and alarm systems	
Number of devices	Fee
(Tenant spaces submitted separately are considered a floor for fee purposes)	
0 - 25	\$ 50.00
26 - 50	80.00
51 - 75	110.00
76 - 100	140.00
101+	140.00
Plus \$30.00 for each additional 25 devices above 101	
(11) Exemptions/Go-to-Work Requests (industrial plant temporary trailers/modulars, nonrequired/nonconforming fire protection system requests, architectural modifications)	
Per request	\$ 20.00
(12)(a) Facsimile transmissions and record requests	Fee
Paper copies per page	\$ 2.00
Fax per page	4.00
Electronic copies (per floppy diskette)	25.00
Database report (plus \$100.00 per every 1000 records)	500.00
(b) However, postage and handling fees shall not apply to exemption requests and facsimile transmissions.	
(13) Appeal requests	Fee
(a) Handicapped accessibility	\$ 25.00
(b) Life safety/fire code appeals:	
(i) Smoke control reviews (\$50.00 for resubmission)	100.00
(ii) Timed egress (\$50.00 for resubmission)	100.00

- (iii) Other appeals (\$50.00 for resubmission) 100.00
- (14) The fee for performance-based reviews shall be twice the amount of the review fees imposed by this Subsection, plus an additional fee of \$100.00 (\$50.00 for resubmission) for smoke control reviews and timed egress.

B.(1) In order to comply with the requirements of R.S. 40:1574, only one set of plans shall be submitted to the state fire marshal for review.

(2) When the plans are reviewed by the office of state fire marshal, code enforcement and building safety, the original set of plans properly stamped "Reviewed" by the state fire marshal shall be retained by the contractor for the construction, renovation, or remodeling for the project in question as long as the structure, watercraft, or movable is in the process of construction, renovation, or remodeling.

(3) Upon final completion of the project the contractor shall turn the plans over to the owner.

(4)(a) The state fire marshal shall furnish to the parties submitting the plans which appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state and the regulations of the state fire marshal the original set of plans, blueprints, or both stamped reviewed along with a letter which shall state that the plans appear to him to satisfactorily comply with the laws, rules, regulations, and codes of the state and the regulations of the fire marshal.

(b) This letter from the fire marshal stating that the plans and specifications for the construction, renovation, or remodeling for the project in question appear to satisfactorily comply with the laws, rules, regulations, and codes of the state, in no way permits and authorizes any omission or deviation from those laws, rules, regulations, and codes so that in no way does this review procedure permit, authorize, or otherwise increase or incur any liability by the state for failure to recognize and point out any such omission or deviation in those requirements.

(c) The letter of the fire marshal shall be kept at the site of the project for inspection by the fire marshal or his deputies for as long as the structure, watercraft, or movable is in the process of construction, renovation, or remodeling.

(5) The office of state fire marshal, code enforcement and building safety shall no longer retain any copy of the reviewed plans or blueprints and is hereby authorized to destroy all such plans and blueprints currently in the archives of the state fire marshal after one year has passed from the effective date of this Section.

(6) The owners of all structures, watercraft, and movables shall retain blueprints including the original building plans and specifications which have been stamped "Reviewed" by the state fire marshal in a safe place for as long as the structure, watercraft, or movable is occupied, used, or both.

C.(1) In the event that plans do not appear to the fire marshal to satisfactorily comply with the laws, regulations, and codes of Louisiana and the regulations of the state fire marshal, the state fire marshal shall furnish a letter to the party submitting the plans which shall list the particular requirements of the state fire marshal which must be met before the plans can be stamped "Reviewed" and before construction or renovation or remodeling can begin. However, where plans for projects are submitted in violation of R.S. 37:155(A)(4), no list of requirements shall be provided.

(2) Review of the plans submitted constitutes compliance with this Section if construction

begins within one hundred eighty days of the review.

(3) State and local political subdivisions shall be exempt from the payment of all other charges provided herein, for the first submission only. Thereafter, for all subsequent submissions, state and local political subdivisions shall pay the required fees.

D. All fees collected pursuant to Subsection A of this Section shall be used exclusively for the maintenance and operation of the planning review section of the office of the state fire marshal, code enforcement and building safety.

Added by Acts 1977, No. 507, §1. Amended by Acts 1979, No. 493, §1; Acts 1982, No. 210, §1, eff. July 15, 1982; Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1986, No. 386, §1, eff. July 2, 1986; Acts 1986, No. 294, §1, eff. June 30, 1986; Acts 1988, No. 423, §1; Acts 1990, No. 371, §1; Acts 1997, No. 964, §1; Acts 1997, No. 1187, §2; Acts 2000, 1st Ex. Sess., No. 89, §1.

### **§1575. Inspection of premises; orders for repair or removal of dangerous conditions**

**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 structure, watercraft or movable within the state except the interiors of private dwellings.**

Whenever the inspecting officer finds any such structure, watercraft or movable, which, for any cause, is especially 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 dangerous materials removed, the condition of the premises remedied, or the premises razed. The occupant of the structure, watercraft or movable shall not permit it to be used until the fire marshal certifies that the hazardous conditions have been eliminated.

Among the causes which render a structure, watercraft or movable especially liable to fire or dangerous to life are the following:

- (1) Want of repairs;
- (2) Age or deteriorated condition;
- (3) Lack of sufficient fire alarm or fire extinguishing apparatus;
- (4) Lack of adequate means of ingress and egress;
- (5) Lack of adequate, unrestricted passageways to the entrances and exits; and
- (6) Presence of combustible, explosive or inflammable material.

Amended by Acts 1952, No. 340, §5.

### **§1576. Service of order**

Any order for removal or remedying issued pursuant to R.S. 40:1575 may be served upon the occupant of the premises to which it is directed by delivering a copy to the occupant personally or by registered or certified mail, or to any person in charge of the premises. If no person is found upon the premises, the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance to the premises. Whenever it is necessary to serve an order upon the owner of the premises, it may be served either by delivering a copy to the person as herein provided or, if the owner is absent from the jurisdiction of the officer making the order, by mailing the copy to the owner's last known post office address.

Amended by Acts 1968, No. 418, §1.

### **§1577. Appeal from order**

When an order is made by one of the deputies or representatives of the fire marshal, the owner or occupant of the building or premises may, within three days, appeal to the fire marshal. The fire marshal shall, within five days, review the order and advise the owner or occupant of his decision thereon. The owner or occupant may, within five days after the making or affirming of any such order of the fire marshal, file an application with the board of review as provided in R.S. 40:1578.1 in accordance with the regulations promulgated for application by that board, praying for a review of the order or such other relief as is provided by law. The board of review shall render its decision within five calendar days, excluding Saturdays, Sundays, and legal holidays, of the review of the order. If, and only if, the order of the fire marshal is not appealable to the fire marshal board of review under R.S. 40:1578.1, within the time period set forth in this Section, the owner or occupant may file his petition with the district court of the district in which the premises or building affected by the orders is situated, praying for a review of the order or such other relief as is provided by law.

Amended by Acts 1982, No. 336, §1.

### **§1578. Compliance with order**

If no review is requested of or an appeal taken from an order of the fire marshal or an authorized representative, the order shall be complied with immediately, or within the period specified in the order, by the owner or occupant of the premises or building.

If an appeal is taken or a review petitioned for, pursuant to the provisions of R.S. 40:1577, the order, unless revoked, shall be complied with, as last modified, after it becomes final, either immediately or, if a time is specified, within the period specified in the order, or in the decision of the fire marshal, or in the decision of the court, as the case may be.

#### **§1578.1. Board of review**

A. A board of review shall be established to evaluate alternatives to fire prevention or protection laws and regulations established by the fire marshal when a request of review is properly submitted. The board of review shall not have the power to waive fire prevention and protection requirements, but shall determine whether the suggested alternative provides equivalent or better protection within the context of the intent of the law. The board of review shall be composed of the following membership:

- (1) One chief of a fire department which is predominantly volunteer;
- (2) One chief of a fire department with predominantly full-time personnel;
- (3) One registered architect;
- (4) One registered engineer;
- (5) One individual representing building owners-managers interests;
- (6) One individual representing mercantile-industrial interests;
- (7) One representative of the Louisiana Rating and Fire Prevention bureau selected by the bureau;
- (8) Two individuals to represent the general public who have no vested interests directly or indirectly in the construction industry, or the ownership or management of commercial buildings; and
- (9) One representative of the fire marshal's office, ex officio and non voting selected by the fire marshal;
- (10) The fire marshal, ex officio and non voting.

Those members designated in Paragraphs 1 through 6 shall be appointed by the governor for a term of four years. A voting member of the board shall be elected by its membership as chairman for a term of one year.

B. Five members of the board shall constitute a quorum. No board member shall act in any case in which he has a personal pecuniary interest.

C. A complete record shall be made of all proceedings before the board including a complete verbatim transcript of all testimony; upon appeal of a decision of the board or the fire marshal after review to a court of competent jurisdiction, the record made of the proceeding before the board shall be the only record allowed in the appeal to the court which shall not try the matter de novo but only as an appeal. All decisions shall include reasons for the decisions. The vote of each member participating shall be recorded.

D. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this part of the Louisiana Administrative Procedure Act (R.S. 49:951 et seq.). The board shall meet at regular intervals to be determined by the chairman, or in any event, the board shall meet within ten days after notice of review has been received. The board shall issue a decision within a period of twenty days after the board meets on such matter.

E. Members of the board who are not ex officio members shall receive a per diem of fifty dollars per day plus actual and reasonable expenses incurred in the performance of the duties imposed upon them by the provisions of this Act.

F. In order to stagger terms of the board membership, the chiefs of the volunteer and full paid fire departments shall originally be appointed for a period of one year; the registered engineer and architect for two years; and the owners-managers member and mercantile industrial member for three years. Thereafter, all members shall serve a term of four years.

Added by Acts 1974, No. 236, §1.

### **§1578.2. Appeal to board**

If an order of the fire marshal issued pursuant to R.S. 40:1578.6 or R.S. 40:1615.14<sup>1</sup> is appealed to the board of review, except as is provided in R.S. 40:1578.3, the order shall be suspended without posting of security until such time as the board renders a final decision.

Added by Acts 1974, No. 236, §1.

<sup>1</sup>House Bill No. 295 and Senate Bill No. 127 of the 1974 regular session of the Legislature adding R.S. 40:1615.1 through 40:1615.14 failed to be adopted.

### **§1578.3. Emergency closure during appeal**

The fire marshal may bring a summary proceeding in accordance with the provisions of Code of Civil Procedure Articles 2591 through 2596 in the district court which has jurisdiction over the structure or movable to require closure of such during the pendency of proceedings before the board of review or after the board renders a final decision. The court shall order such immediate closure if it finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to such effect in its order. These proceedings shall be promptly instituted and determined.

Added by Acts 1974, No. 236, §1.

### **§1578.4. If no appeal taken**

If an order appealable to the board of review is issued and appeal is not taken, the owner

or occupant must comply with the order within such time as is set in the discretion of the fire marshal after all necessary delays for appeal have expired.

Added by Acts 1974, No. 236, §1.

**§1578.5. Appeals from decision of board of review**

Any interested person may appeal a decision of the board of review as provided in R.S. 40:1578.1 to a court of competent jurisdiction within five days of the rendering of the decision of the board of review.

Added by Acts 1974, No. 236, §1.

**§1578.6. National Fire Protection Association's Life Safety Code; Southern Standard Building Code; applicability to high rise structures; minimum standards; existing hazardous buildings; appeal**

A. Adequate protection for life safety shall be afforded in every structure or movable as those terms are defined in R.S. 40:1573. To afford such protection, all newly constructed structures and movables shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act which shall establish as minimum standards the provisions of the Life Safety Code of the National Fire Protection Association, and Section 518 - Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, applicable to high rise structures as both are annually or periodically amended, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations. The effective date for enforcement shall be one hundred eighty days after adoption and promulgation under the Administrative Procedure Act.

B. A parish or municipality which, prior to January 1, 1975, had adopted and is enforcing a nationally recognized model building code and/or fire prevention code or a code equal to a nationally recognized building code and/or fire prevention code may continue to enforce such codes in place of the codes required in the paragraph above; however, such codes shall contain requirements that are substantially equal to the fire marshal's code with respect to high rise buildings, mandatory automatic sprinkler and extinguishment systems, and fire detection systems.

C. This Section shall not apply to existing buildings, except as provided for by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless the fire marshal deems that a serious life hazard exists due to a particular condition, at which time he can require the institution of proper fire protection measures to alleviate the particular hazards noted according to the chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code, as most recently adopted by administrative rule by the office of the state fire marshal, code enforcement and building safety. Such directives of the fire marshal may be appealed to the board of review. "Lawfully constructed and maintained" as used in this Subsection means in conformance with the laws, codes, rules, and regulations in force at the time of original construction.

Added by Acts 1974, No. 656, §1, eff. Jan. 1, 1975. Amended by Acts 1979, No. 495, §2, eff. July 13, 1979; Acts 1985, No. 987, §1; Acts 1988, No. 422, §1; Acts 1995, No. 353, §1; Acts 1997, No. 343, §1.

**§1578.7. State Uniform Fire Prevention Code**

A. It is hereby found and declared by the legislature that the protection of life and property will be enhanced by adoption of the National Fire Prevention Code, as it is published by the National Fire Protection Association. It is also hereby found and declared by the legislature

that the adoption of NFPA 1 will complement and not conflict with the National Fire Protection Association's Life Safety Code.

B. The National Fire Prevention Code, known as NFPA 1, 1997 edition, published and maintained by the National Fire Protection Association, is hereby adopted as the State Uniform Fire Prevention Code to the extent that it does not conflict with the National Fire Protection Association's Life Safety Code.

C. If a fire prevention code is adopted by any political subdivision of the state, it must adopt the State Uniform Fire Prevention Code.

D. Nothing in this Section shall be construed so as to prevent the state fire marshal from enforcing the National Fire Protection Association's Life Safety Code, nor any other laws of the state, the enforcement of which are his statutory and regulatory responsibility.

E. 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 additions to the State Uniform Fire Prevention Code to conform to NFPA 1, as it is subsequently amended or issued as a new edition by the National Fire Protection Association.

F. If the governing authority of any municipality or parish finds that the State Uniform Fire Prevention Code does not meet its minimum needs, that local governing authority may provide more stringent requirements than those specified in the State Uniform Fire Prevention Code when such requirements are based upon local climatic, geologic, topographic, or public safety factors after prior review and approval by the state fire marshal to ensure that such variances achieve equivalent or enhanced levels of protection as the State Uniform Fire Prevention Code.

G. Nothing contained in this Section shall be construed as requiring any political subdivision to establish an office or any other kind of governmental unit in order to enforce provisions of the State Uniform Fire Prevention Code.

H. Nothing contained in this Section shall be construed as imposing any new or additional requirements upon any petroleum refining or chemical manufacturing facility which is subject to the United States Occupational Safety and Health Administration Hazard Communication Standard, 29 CFR 1910.1200.

I. The provisions of this Section shall not apply to any political subdivision that has adopted a model fire prevention code as of July 9, 1999, including review and approval by the state fire marshal of any future amendments, additions, or new editions of the model fire prevention code adopted by the political subdivision.

Acts 1999, No. 1137, §1, eff. July 9, 1999.

### **§1579. Ingress by firemen**

For ingress by firemen, every structure, watercraft, or movable shall have at least one window or other device in each story of the building on a street front or on an alleyway or court accessible to a street, which can be opened from the outside in case of fire in the structure, watercraft, or movable so as to furnish immediate ingress to the story or stories of the structure, watercraft, or movable.

### **§1580. Fire exit maps; hotel or motel rooms**

Every hotel or motel room shall have posted on the back of the main entry door to the room a map indicating where the exits are located in case of fire or other emergency.

Added by Acts 1981, No. 593, §1.

**§1580.1. Fire alarms; hotel or motel rooms**

A. Every new or renovated hotel or motel room shall have sleeping rooms equipped with approved fire detection and alarm systems for the hearing impaired in case of fire in accordance with the requirements of Section 9 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) table 9.1.2 and 9.1.3.

B. In hotels or motels not covered by Subsection A which have fewer than fifty rooms one system shall be available. In such hotels or motels with more than fifty but fewer than one hundred rooms at least two systems shall be available. In such hotels or motels with more than one hundred rooms four systems shall be available. The availability of such system shall be posted in every room.

Acts 1997, No. 894, §1.

**§1581. Smoke detectors; single and two family dwellings**

A. All single and two family dwellings constructed after January 1, 1992, shall contain approved smoke detectors.

B. Failure to comply with the provisions of this Section shall not be a reason for nonpayment of any insurance claims.

Acts 1991, No. 701, §1.

**§1582. Repealed by Acts 1978, No. 567, §1**

**§1583. Locking, bolting, or obstructing exits or passageways**

No persons shall bolt, lock, obstruct, or block any exit or any passageway, or permit anyone else to do so, while the structure, watercraft, or moveable is in use for public assemblage.

Added by Acts 1982, No. 335, §1, eff. July 18, 1982.

**§1591. Enforcement of Part**

A. The enforcement personnel of the state fire marshal shall enforce this Part and all other laws under the jurisdiction of the state fire marshal and other lawful orders of the state fire marshal, the violation of which would constitute a misdemeanor offense. The state fire marshal may delegate some or all of such enforcement authority to the chief of a fire department of a political subdivision and his authorized representatives. This enforcement authority shall include the power to issue misdemeanor summons.

B. The law enforcement officers of each political subdivision of the state shall enforce this Part and all other laws under the jurisdiction of the state fire marshal and other lawful orders of the state fire marshal.

Acts 1991, No. 33, §1.

**§1592. Application of Part**

The requirements contained in this Part apply to all structures, watercraft, and movables. However, the fire marshal may limit their application insofar as they affect structures existing on or before July 28, 1948, whenever he determines that reasonable steps have been taken in connection therewith to protect life and property from the hazards of fire and of panic which may

arise from fire or from the threat of fire or explosion.

**§1593. Volunteer firefighters; medical and life insurance**

The state fire marshal is authorized to negotiate for and to purchase out of funds available for such purpose in the Two Percent Fire Insurance Fund provided for in R.S. 22:1585(A) a group insurance policy to provide medical benefits, death benefits, and burial benefits for volunteer firefighters of the state suffering injury or death while engaged in the scope of their duties as volunteer firefighters. Such policy shall cover all bona fide volunteers starting the day upon which their membership begins without any prior certification to the state fire marshal's office or to the insurer. The state fire marshal shall deliver to each volunteer unit a printed notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which such must be filed. The volunteer unit shall post such notice in a conspicuous place at its facilities.

Acts 1966, No. 522, §1. Amended by Acts 1974, No. 124, §1; Acts 1987, No. 898, §1, eff. July 20, 1987; Acts 1990, No. 759, §2; Acts 2001, No. 189, §2, eff. May 31, 2001.

**SUBPART A-1. TIME LIMITS FOR RETENTION OF  
BLUEPRINTS AND OTHER RECORDS**

**§1596.1. Purpose**

The purpose of this Subpart is to regulate the retention and storage of records of the office of state fire protection of the Department of Public Safety, formerly known as the State Fire Marshal, by establishing specific time limits during which said records shall be retained and after which such records may be destroyed.

Added by Acts 1979, No. 495, §1, eff. July 13, 1979.

**SUBPART D. FIRE PROTECTION SPRINKLER SYSTEMS**

**§1625. Definitions**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

(1)(a) "Certificate holder" means an individual who has satisfactorily met minimum experience requirements and completed and passed a competency test administered by the fire marshal and is an owner, partner, officer, or in a qualifying position of the fire protection sprinkler contractor.

(b) A person in a qualifying position shall include any employee of a fire protection sprinkler contractor who has been continuously employed by the contractor during the thirty-day period immediately prior to the filing of an application for a permit as provided for in R.S. 40:1628.

(2) "Certified fire protection sprinkler contractor" means a fire protection sprinkler contractor who has qualified and received a permit from the state fire marshal.

(3) "Fire marshal's permit" means the form issued by the state fire marshal to a fire protection sprinkler contractor upon approval of the application, payment of the required fee, and satisfactory testing of competency of an individual who is an owner, partner, officer, or in a management position of the fire protection sprinkler contractor.

(4)(a) "Fire protection sprinkler contractor" means an individual, partnership, corporation, association, or joint venture engaged in the business of the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems.

(b) This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

(5)(a) "Fire protection sprinkler system" means a system of overhead piping designed in accordance with fire protection engineering standards.

(b) The system must be supplied from a reliable, constant, and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground piping to a city main or any combination of these. For the purpose of this Subpart, sprinkler system water supply piping, stand pipes, and connections to fire pumps are considered part of the fire protection sprinkler system.

(c) The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this Subpart and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern.

(d) The system includes a controlling valve and device for actuating an alarm when the system is in operation.

(e) The system is usually activated by heat from a fire and discharges water over the fire area.

(f) Fire protection sprinkler systems shall include the following types each as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems:

- (i) Wet-pipe systems.
- (ii) Dry-pipe systems.
- (iii) Pre-action systems.
- (iv) Deluge systems.
- (v) Combined dry-pipe and pre-action systems.
- (vi) Antifreeze systems.
- (vii) Circulating closed loop systems.

Acts 1984, No. 231, §1; Acts 1988, No. 474, §1; Acts 1991, No. 590, §1.

#### **§1626. Administration by fire marshal**

A. The state fire marshal shall administer this Subpart and shall have the power to set or make changes in the amount of the fee charged as necessary for the administration and enforcement of this Subpart in accordance with the Administrative Procedure Act.

B. The fire marshal may, at his discretion, have the competency test provided for in this Subpart prepared and administered by others according to criteria established by the National Institute for the Certification of Engineering Technologies Level III program or other nationally recognized programs.

Acts 1984, No. 231, §1.

#### **§1627. Applicability**

A.(1) It shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the installation, repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this Subpart.

(2) However, notwithstanding any other provisions of this Subpart to the contrary, a

mechanical contractor licensed by the State Licensing Board for Contractors and holding a statewide mechanical work license classification issued by that board or, where applicable, a plumber licensed by the State Plumbing Board shall be permitted only to install, repair, alter, add to, maintain, and inspect water supply piping supplying sprinkler systems, stand pipe systems, or fire pumps without having obtained a certificate or permit from the state fire marshal pursuant to this Subpart.

B. Nothing in this Subpart, however, shall be construed to apply to fire protection sprinkler system owners who employ registered professional fire protection engineers, individuals who have satisfactorily met the minimum experience requirements of R.S. 40:1628, individuals who have completed and passed a competency test administered by the fire marshal, or skilled workers who regularly and routinely design, install, repair, alter, add to, maintain, and inspect sprinkler systems on and within the premises of their employer provided such systems are for the use of the owner only.

Acts 1984, No. 231, §1; Acts 1992, No. 1019, §1, eff. July 13, 1992; R.S. 40:1628. Application for permit; contents; application fee; competency test; waiver of competency test; reciprocity

A.(1) Any individual, partnership, corporation, association, or joint venture desiring to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems shall apply for a permit to the fire marshal on standard forms provided by him supplying all the required information on the person designated to be the certificate holder.

(2) The application fee of one hundred dollars shall be paid when making the application.

B.(1) The fire marshal shall administer a competency test to the applicant for a certificate.

(2) The competency test shall include the completion of courses pertaining to fire protection sprinkler systems offered by or through the Louisiana State University Firemen Training Program.

(3) The competency test may be waived if:

(a) The applicant provides sworn affidavits from three professional engineers currently registered by the State Board of Registration for Professional Engineers and Land Surveyors to the effect that the applicant has satisfactorily supervised within the last twelve months the sale, design, and installation of at least three fire protection sprinkler systems of more than two hundred sprinklers in size including the name, description, and location of each sprinkler system and

(b) The application is submitted prior to January 1, 1985.

C. The fire marshal at his discretion may issue upon receipt of the application and fee a fire marshal's permit to a fire protection sprinkler contractor who produces evidence of having passed an approved competency test or of having a current fire marshal's permit from another state if that other state's fire marshal has entered into an agreement of reciprocity with the fire marshal of Louisiana.

Acts 1984, No. 231, §1.

### **§1629. Issuance of fire marshal's permit**

If the required fee has been paid, the competency test passed satisfactorily or waived as provided for in R.S. 40:1628, and the certificate holder is found to be at present an owner, partner, officer, or in a qualifying position of the fire protection sprinkler contractor, the fire marshal shall within thirty days issue a fire marshal's permit in the name of the fire protection sprinkler contractor with the name of the certificate holder noted thereon.

Acts 1984, No. 231, § 1630. Restrictions and limitations upon permit holders; penalty; appeal

A. In no case shall a certificate holder be allowed to obtain a fire marshal's permit for more than one fire protection sprinkler contractor at a time.

B. If the certificate holder leaves the employment of the fire protection sprinkler contractor, he must notify the fire marshal within thirty days.

C. The certificate holder shall not broker his permit authorization to more than one fire protection sprinkler contractor at a time nor consecutively in a manner so as to create corporate entities just for individual profit.

D. Violation of this provision by a permit holder shall subject the permit holder to suspension of his permit for a period of one year.

E. The permit holder in violation, upon suspension, shall have the right of appeal to the Fire Protection Review Board.

F. If the certificate holder leaves the employment of the fire protection sprinkler contractor or dies, the contractor shall have six months to submit a new application on another certificate holder who is at present an owner, partner, officer, or in a qualifying position of the fire protection sprinkler contractor and be issued a new permit.

G. If such application is not received and a new permit issued within the allotted time, the state fire marshal shall revoke the permit of the fire protection sprinkler contractor.

Acts 1984, No. 231, § 1.

§1631. Expiration of permit; prohibitions; renewal procedure

A.(1) The permit shall expire at midnight on each September 30.

(2) At least thirty days prior to expiration, the fire protection sprinkler contractor must submit a renewal application.

(3) A renewal fee as determined by the fire marshal must be submitted with the renewal application.

B. Failure to renew the permit prior to the expiration shall cause the permit to be null and void as of the expiration date, and it shall be unlawful under this Subpart for any individual, partnership, corporation, association, or joint venture to engage in installing, repairing, altering, adding, maintaining, or inspecting a fire protection sprinkler system without a valid state fire marshal's permit.

C.(1) The permit may be reinstated by making application as before and payment of the required fee, plus a late fee equal to one-half of the amount of the permit required by this Subpart.

(2) However, until such time as a new permit is issued, it shall be unlawful for the fire protection sprinkler contractor to engage in installing, repairing, altering, adding, maintaining, or inspecting fire protection sprinkler systems.

D. The permit may be renewed by making application as before and payment of the required fee, plus late fee if applicable, along with a sworn affidavit from the applicant to the effect that the applicant has satisfactorily supervised within the last twelve months the sale, design, and installation of fire protection sprinkler systems having a sprinkler head total of six hundred or more, including the name, description, and location of each sprinkler system.

Acts 1984, No. 231, § 1; Acts 1988, No. 474, § 1.

§1632. Permit verification; local building officials; local fees

A. The local building permit official shall require a copy of the fire marshal's permit before issuing a license or building permit.

B. The local official shall impose no other requirements or fees on the certified fire protection sprinkler contractor to prove competency other than proper evidence of a valid fire marshal's permit.

Acts 1984, No. 231, §1.

§1633. Powers of local governing authorities regarding shop drawings

If shop drawings are required to be submitted and approved by any parish or municipal governing authority, the state, or any political subdivision of the state, the plans shall bear the permit numbers of the certified fire protection sprinkler contractor.

Acts 1984, No. 231, §1.

§1634. Applicability; compliance required before contracts awarded

A. This Subpart also applies to any fire protection sprinkler contractor performing work for any parish or municipal governing authority or the state.

B. Officials of any parish, municipality, or the state are required to determine compliance with this Subpart before awarding any contracts for the installation, repair, alteration, addition, or inspection of a fire protection sprinkler system.

C. Bids for such shall be accompanied by a copy of a valid fire marshal's permit.

Acts 1984, No. 231, §1.

#### **§1635. Disposition of collected funds**

A. All funds collected pursuant to this Subpart shall be deposited in the state treasury to the credit of the fire marshal's fund authorized by R.S. 22:1077.

B. The fire marshal shall be authorized to receive grants and donations from associations, firms, or individuals who are interested in the upgrading and quality of fire protection sprinkler systems which shall also be paid to the fire marshal's fund.

C. The fire marshal is authorized to expend moneys from the fire marshal's fund for the administration and enforcement of this Subpart.

Acts 1984, No. 231, §1.

#### **§1636. Notice, hearing and revocation of certificate or permit**

The certificate of competency and fire marshal's permit as provided for in this Subpart may be revoked after notice and hearing and upon written findings of fact by the fire marshal that the individual, partnership, or corporation has:

(1) Willfully violated any provision of R.S. 40:1625 et seq., or any rule, regulation, or order adopted hereunder.

(2) Used deceit or perjury in obtaining any certificate or permit pursuant to R.S. 40:1625 et seq.

(3) Been found to be professionally incompetent or grossly negligent.

(4) Been aiding and abetting a person to evade the provisions of this Subpart or knowingly combining or conspiring with another with intent to evade the provisions of R.S. 40:1625 et seq., and rules and regulations adopted thereunder.

Acts 1984, No. 231, §1; Acts 1988, No. 474, §1.

#### **§1637. Penalties**

A.(1) In addition to or in lieu of administrative sanctions provided in this Subpart, the fire marshal is empowered to issue an order to any person or firm engaged in any activity, conduct, or

practice constituting a violation of any provision of this Subpart, directing such a person or firm to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the state fire marshal.

(2) If the person or firm to whom the fire marshal directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within three working days from service of such cease and desist order by certified mail, the fire marshal may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Subpart.

(3) Upon a proper showing by the fire marshal that such person or firm has engaged in any activity, conduct, or practice prohibited by this Subpart, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

(4) A temporary restraining order, preliminary injunction, or permanent injunction issued hereunder shall not be subject to being released upon bond.

B. Repealed by Acts 1997, No. 789, §2.

C. If the fire marshal finds, after notice and hearing, that any person has willfully violated any provision of R.S. 40:1625 et seq., or any regulation, rule, or order issued hereunder, he may impose upon said person a fine in an amount not to exceed one thousand dollars for each violation. Procedures for the imposition of fines and appeals of such fines shall be governed by the Administrative Procedure Act.

Acts 1988, No. 475, §1; Acts 1997, No. 789, §2.

## **SUBPART D-1. FIRE SPRINKLER SYSTEMS IN EXISTING BUILDINGS**

### **§1641. Purpose**

A. The legislature hereby finds that existing high rise buildings which do not have fire protection sprinkler systems represent a serious threat to life and property. High rise building fires are particularly dangerous due to the fact that present fire fighting apparatus can only reach floor levels below seventy-five feet in height, leaving upper floors in high rise facilities vulnerable to the unchecked spread of fire, thereby endangering the occupants of those upper floor levels.

B. It is therefore the policy of this state in order to protect life and property from the hazards of fire and panic which may arise from fire or from the threat of fire in high rise buildings to require existing high rise buildings to be protected throughout by an approved fire protection sprinkler system.

Acts 1988, No. 422, §2.

### **§1642. Definitions**

As used in this Subpart, the following terms have these meanings:

(1) "Fire protection sprinkler system" means a system of overhead piping designed in accordance with fire protection engineering standards. The system must be supplied from a reliable, constant, and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground piping to a city main or any combination of these. The portion of the sprinkler system above ground is considered the fire protection sprinkler

system for purposes of this Subpart and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler system, dry-pipe systems, preaction systems, deluge systems, combined dry-pipe and preaction systems, antifreeze systems, and circulating closed loop systems, have meanings as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems.

(2) "Existing high rise buildings" means any building having floor surfaces used for human occupation located more than seventy-five feet above the lowest level of fire department vehicle access constructed before January 1, 1975.

(3) "Master plan" means a specific scheme or plan detailing the number of floors, total square footage, present occupancy and a proposed completion date of each phase and completion date of total compliance with the requirement of this Subpart.

Acts 1988, No. 422, §2.

**§1643. Fire protection sprinkler system required in existing high-rise buildings; exceptions**

A. All existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system.

B. All existing high-rise buildings shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act, which shall establish as minimum standards the provisions of NFPA 13 as published by National Fire Protection Association, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations.

C.(1) Notwithstanding any provision to the contrary, all existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system by January 1, 1999. However, if the state fire marshal determines that an extension can be granted without creating an undue risk to human safety, the fire marshal may grant a one-year extension to those building owners who have made a good faith effort to comply with the fire protection sprinkler system requirement.

(2) The fire marshal may grant one-year extensions of time to complete the installation of a fire protection sprinkler system to those existing high-rise buildings that were not in compliance with the fire protection sprinkler system requirement on January 1, 1999, but which have a written plan to install such a system that has been approved by the fire marshal including but not limited to shop drawings, contracts, or architectural engineering design documents, provided that the building has sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(3) The fire marshal may grant a reasonable extension of time for compliance with the fire protection sprinkler system requirement upon a showing of each of the following:

(a) A statement of certification that such building shall be demolished or substantially remodeled within five years after July 14, 1999.

(b) Sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(4) Any state-owned building utilized as a state hospital or parish prison shall have until

January 1, 2005, to complete installation of the required fire sprinkler system, provided the building has sufficient and adequate fire protection systems such that human occupancy above the seventy-five foot level does not create an undue risk to human life and safety.

(5) For the purposes of this Subpart, the following shall be sufficient and adequate fire protection systems such that undue risk to human life and safety are not created:

(a) Twice the number of fire extinguishers as requested by the NFPA 10.

(b) A fire watch in accordance with the NFPA 601.

(c) A method of occupant notification of emergency conditions.

(d) Persons designated as fire wardens who have access to two-way communication systems, who are trained to use portable fire extinguishing equipment, and who know the emergency evacuation rules and procedures.

(e) Compliance with the means of egress, protection of vertical openings, emergency lighting, and alarm and detection requirements specified by the 1967 edition of the NFPA 101 Life Safety Code.

D. The owners of existing high-rise buildings which are not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system shall submit a written master plan to the state fire marshal on or before January 1, 1991, detailing with specificity a schedule for compliance with this Subpart.

E. Notwithstanding any other provision of law to the contrary, the state fire marshal may authorize alternative approaches for existing high-rise telephone equipment buildings occupied solely by telecommunications service providers which were not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system but which will provide an equivalent level of safety as provided by an approved automatic sprinkler system. Such alternative approaches shall be implemented on or before January 1, 1999. To obtain such approval, the telecommunications service provider shall submit a written master plan or a completed fire safety evaluation form, as published by the National Fire Protection Association, to the state fire marshal on or before January 1, 1993. Upon receipt, such master plan or fire safety evaluation shall be evaluated by the state fire marshal to ensure that the building complies with either:

(1) The 1967 edition of the NFPA 101 (Life Safety Code). Such plan or evaluation shall also indicate that an equivalent level of safety is achieved by the proposed alternative.

(2) The compartmentation exception of Section 506 of the 1988 Standard Building Code. Such compliance shall be documented by a certificate signed by a licensed architect or civil engineer.

Acts 1988, No. 422, §2; H.C.R. No. 23, 1990 R.S.; Acts 1992, No. 28, §1; Acts 1998, 1st Ex. Sess., No. 92, §1; Acts 1999, No. 306, §1, eff. June 14, 1999.

#### **§1644. Cost**

A. No work shall begin until the plans and specifications have been submitted and reviewed by the state fire marshal's office as required by R.S. 40:1574.

B. There shall be a review charge assessed by the state fire marshal as detailed in R.S. 40:1574.1.

Acts 1988, No. 422, §2.

#### **§1645. Penalty**

Whoever violates the provisions of this Subpart shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars or more than five hundred dollars or to imprisonment of not more than six months, or both.

Acts 1988, No. 422, §2.

## **SUBPART E. FIRE EXTINGUISHER SYSTEMS AND FIRE DETECTION AND ALARM SYSTEMS**

### **§1651. Purpose; administration**

A. The purpose of this Subpart is to regulate the leasing, renting, selling, and servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems and fire detection and alarm systems, and to prohibit the use of portable fire extinguishers, fixed fire extinguisher systems, fire detection and alarm systems, and extinguisher equipment which are not properly labeled in accordance with the rules adopted by the state fire marshal in the interest of safeguarding lives and property.

B. The state fire marshal shall administer this Subpart and may issue rules and regulations which he considers necessary to such administration pursuant to the Administrative Procedure Act. In formulating necessary rules and regulations, the fire marshal may use recognized standards, including those of the National Fire Protection Association, those recognized by federal law or regulation, those published by nationally recognized standards-making organizations, or those contained in manufacturers' installation manuals.

Acts 1990, No. 268, §1; Acts 1991, No. 112, §1.

### **§1652. Definitions**

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

- (1) "Firm" means any person, partnership, corporation, or association.
- (2) "Hydrostatic testing" means pressure testing by hydrostatic methods.
- (3) "Portable fire extinguisher" means any portable device that contains liquid, powder, or gases for suppressing or extinguishing fires.
- (4) "Servicing" means servicing portable fire extinguishers or fixed fire extinguisher systems by inspecting, charging, filling, maintaining, recharging, refilling, repairing, or testing.
- (5) "Fixed fire extinguisher systems" means those assemblies of piping, conduits, or containers that convey liquid, powder, or gases to dispersal openings or devices protecting one or more hazards by suppressing or extinguishing fires, but shall not include fire protection sprinkler systems, as defined in R.S. 40:1625(5).
- (6) "Fire detection and alarm systems" means those assemblies of wiring, electronic transmitting devices, detection devices, and related equipment for the detection of products of combustion or flammable gases and for alerting occupants, including fire department personnel, of a fire emergency.
- (7) "Engineered fire extinguisher systems" means special suppression systems individually designated in accordance with nationally recognized fire protection design standards and manufacturing guidelines.

Acts 1990, No. 268, §1; Acts 1991, No. 112, §1.

### **§1653. Registration; licensing; fees**

A. Each firm engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems shall have a certificate of registration issued by the state fire marshal. The initial fee for the certificate of registration shall be in an amount not to exceed three hundred fifty dollars and the renewal fee for each year thereafter shall be in an amount not to exceed three hundred dollars. Each separate office location of a firm engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed extinguisher systems or fire detection and alarm systems, other than the location identified on the certificate of registration, shall have a branch office registration certificate issued by the fire marshal. The initial fee for a branch office certificate shall be in an amount not to exceed one hundred dollars and the renewal fee for each year thereafter shall be in an amount not to exceed one hundred dollars. The fire marshal shall identify each branch office location as a part of a registered firm before a branch office registration certificate may be issued.

B. A fee in an amount not to exceed twenty dollars shall be charged for a duplicate certificate of registration, license, or apprentice permit issued under this Subpart or for any request requiring changes to a certificate of registration, license, or permit. A new certificate of registration with a new number shall be issued to a registered firm on a change of ownership for a fee in an amount not to exceed four hundred fifty dollars. A fee in an amount not to exceed one hundred dollars shall be charged for a change of ownership of a branch office.

C.(1) Each employee, other than an apprentice, of firms engaged in the business of installing or servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems or fire detection and alarm systems shall have a license issued by the state fire marshal before engaging in any of the following:

- (a) Servicing portable fire extinguishers.
- (b) Installing, servicing, or certifying preengineered fixed fire extinguisher systems.
- (c) Planning, supervising, or certifying the installation of fixed fire extinguisher systems other than preengineered systems or the servicing of such systems.
- (d) Planning, certifying, installing, or servicing fire detection and alarm systems.

(2) The initial fee for the license required by this Subsection shall be in an amount not to exceed fifty dollars and the license renewal fee for each year thereafter shall be in an amount not to exceed fifty dollars. A nonrefundable fee for the initial examination shall be in an amount not to exceed thirty dollars. A nonrefundable fee in an amount not to exceed twenty dollars shall be charged for each reexamination.

D. Each person servicing portable fire extinguishers or fixed fire extinguisher systems or fire detection and alarm systems as an apprentice shall, before servicing any portable fire extinguisher or servicing any fixed fire extinguisher system, or fire detection and alarm system, apply to the state fire marshal for an apprentice permit. The fire marshal shall establish the qualifications of a shop apprentice and a field apprentice by rule. The fees for apprentice permits shall be set by rule and shall be in an amount not to exceed thirty dollars per year. An apprentice may perform such services only under the direct supervision of a person holding a valid license pursuant to this Subpart who works for the same firm as the apprentice. A field apprentice permit shall be valid for one year from the date of issuance and shall not be renewable. A nonrefundable fee for an apprentice examination shall be set by rule in an amount not to exceed thirty dollars. A nonrefundable fee in an amount not to exceed twenty dollars shall be set by rule and shall be charged for each reexamination.

E. Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications and procedures of the United States Department of Transportation shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall be required to have a hydrostatic testing certificate of registration authorizing such testing issued by the state fire marshal. Persons qualified to do this work shall be given such authority on their licenses. The initial fee shall be in an amount not to exceed one hundred dollars and the renewal fee for each year thereafter shall be in an amount not to exceed fifty dollars. Hydrostatic testing of fire extinguishers not performed pursuant to the United States Department of Transportation specifications shall be performed as recommended by the National Fire Protection Association.

F.(1) The state fire marshal may, by rule, license the owner of a fire alarm system and an employee of the owner to allow such employee to perform routine inspections and minor service and repairs of fire detection and alarm systems solely within the facilities of the owner. The owner shall document such service or repair and assume responsibility for all such service or repair.

(2) The initial fee for the license for such owner shall be three hundred fifty dollars, with an annual renewal fee of fifty dollars.

(3) Such employee may perform routine inspection, routine service, and minor service and repair of fire detection and alarm systems within the facilities of the owner. Such employee shall not engage in planning, installing, or certifying such systems or equipment.

(4) The initial fee and the annual renewal fee for such employee shall be fifty dollars.

G.(1) The state fire marshal may license a person to install, inspect, maintain, and service portable fire extinguishers, fix fire extinguishing systems or equipment, and fix fire alarm and detection systems or equipment while under the direct supervision of a licensed technician, as defined and licensed by rule, who holds a current and valid license for the work to be performed.

(2) The initial fee and the annual renewal fee for such employee shall be fifty dollars.

H. The state fire marshal shall, within the limits fixed by this Section, prescribe the fees to be charged pursuant to this Section by administrative rule.

Acts, 1990, No. 268, §1; Acts 1991, No. 592, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 1999, No. 1156, §1, eff. July 9, 1999.

#### **§1654. Required insurance**

A. The state fire marshal shall not issue a certificate of registration pursuant to this Subpart unless the applicant files with the fire marshal proof of a policy of public liability insurance conditioned to pay on behalf of the insured those sums that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any business registered or licensed under this Subpart.

B. The limits of insurance coverage required by Subsection A of this Section shall not be less than one million dollars for bodily injury and property damage for each occurrence and not less than one million dollars aggregate for all occurrences, unless the state fire marshal increases or decreases the limits pursuant to R.S. 40:1658(6).

C. The evidence of insurance required by this Section shall be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by an agent licensed in this state or, if the state fire marshal authorizes acceptance of surplus lines

coverage pursuant to R.S. 40:1658(6), a certificate of insurance for surplus lines coverage procured through a licensed surplus lines agent resident in this state. Insurance certificates executed and filed with the fire marshal pursuant to this Section shall remain in force until the insurer has terminated future liability by the notice required by the fire marshal.

D. Failure to maintain the liability insurance required by this Section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued pursuant to this Subpart after notice and opportunity for hearing.

Acts 1990, No. 268, §1.

### **§1655. Selling or leasing of portable fire extinguishers or fixed fire extinguisher systems**

A. No portable fire extinguisher, fixed fire extinguisher system, fire detection and alarm system, or extinguisher equipment shall be leased, sold, rented, or installed in this state unless it carries a label or listing acceptable to the state fire marshal and the registration number of any firm servicing that equipment.

B. Except as provided in R.S. 40:1656, only the holder of a current and valid license or an apprentice permit issued pursuant to this Subpart shall service or maintain portable fire extinguishers or install and maintain fixed fire extinguisher systems or fire detection and alarm systems.

C. A person who has been issued a license pursuant to this Subpart to service portable fire extinguishers or install and service fixed fire extinguisher systems or fire detection and alarm systems shall be an employee, agent, or servant of a firm that holds a certificate of registration issued pursuant to this Subpart.

D. A certificate of registration, license, or permit issued pursuant to this Subpart shall not be transferable.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1.

### **§1656. Exceptions**

A. The licensing provisions of this Subpart shall not apply to the following:

(1) The filling or charging of a portable fire extinguisher by the manufacturer prior to its initial sale.

(2) The servicing by industrial facilities and fire departments of their own portable fire extinguishers by their own personnel specially trained for such servicing.

(3) The installation or servicing of water sprinkler systems installed in compliance with the National Fire Protection Association's Standards for the Installation of Sprinkler Systems.

(4) Firms engaged in the retailing or wholesaling of portable fire extinguishers that carry a label of approval or listing of a testing laboratory approved by the state fire marshal but not engaged in the installation or servicing of such extinguishers.

(5) Fire departments servicing portable fire extinguishers intended for the exclusive use by that fire department when the members of the fire department are trained in the proper servicing of the fire extinguishers.

(6) A firm that is party to a contract that provides that the installation of a fixed fire extinguisher system shall be performed under the supervision of and certified by a person licensed to install and certify fixed systems and that the licensee assumes full responsibility for the installation.

(7) An electrical contractor who has met all requirements and passed a prescribed written

examination based upon National Fire Protection Association Code 70, given either by a recognized political subdivision of the state of Louisiana or by the State Licensing Board for Contractors.

(8) A Louisiana registered professional engineer acting solely in his professional capacity.

(9) The installation and servicing of fire detection and alarm systems in residential and one or two family dwellings.

(10) Firms engaged solely in the business of filling compressed gas cylinders.

B. The provisions of this Subpart shall not apply to chemical manufacturing firms or petroleum refineries.

Acts 1990, No. 268, §1; Acts 1991, No. 591, §1; Acts 1991, No. 611, §§ 1, 2; Acts 1991, No. 669, §§1, 2; Acts 1992, No. 1019, §2, eff. July 13, 1992.

### **§1657. Applications and hearings on licenses, permits, and certificates**

A.(1) Applications and qualifications for licenses, permits, and certificates issued hereunder shall be made pursuant to rules promulgated and adopted by the state fire marshal pursuant to the Administrative Procedure Act. At a minimum, each employee engaged in the servicing, installing, or certifying of portable fire extinguishers shall complete a prescribed training course offered by the Louisiana State University Firemen Training Program or an equivalent training course approved by the fire marshal and shall pass a written examination formulated or approved by the fire marshal.

(2) A company which engineers or designs fixed fire extinguisher systems shall employ at least one individual certified, at a minimum as Level III by the National Institute for the Certification of Engineering Technicians. This requirement shall not apply to companies that only install and service pre-engineered fixed fire extinguisher systems or fire detection and alarm systems.

(3) At least one individual employed by a company certified in the planning and installation of engineered fire extinguisher systems shall be certified to have completed all or a designated number of modules necessary to become certified at Level III in the category of fire protection/special hazard systems layout by the National Institute for Certification in Engineering Technologies. At least one individual employed by a company certified in the planning and installation of fire detection and alarm systems shall be certified to have completed all or a designated number of modules necessary to become certified at Level III in the category of protection/fire alarm systems by the National Institute for the Certification in Engineering Technologies.

B. The state fire marshal may conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of licenses, apprentice permits, hydrostatic testing certificates, certificates of registration, or approvals of testing laboratories issued pursuant to this Subpart or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

C. An applicant, registrant, licensee, or permit holder whose certificate of registration, license, or permit has been refused or revoked pursuant to this Subpart, except for failure to pass a required written examination, shall not file another application for a certificate of registration, license, or permit within one year from the effective date of the refusal or revocation. After one year from that date, the applicant may reapply and in a public hearing show good cause why the issuance of his certificate of registration, license, or permit is not against the public safety and welfare.

D. A person whose license to service portable fire extinguishers or to install or service fixed fire extinguisher systems has been revoked shall retake and pass the required written examination before a new license may be issued.

E. An unexpired license or registration may be renewed by paying the required renewal fee to the state fire marshal before the expiration date of the license or registration. If a license or registration has been expired for not longer than ninety days, the license or registration may be renewed by paying the required renewal fee and a fee that is one-half of the original fee for the license or registration to the fire marshal. If a license or registration has been expired for more than ninety days but less than two years, the license or registration may be renewed by paying all unpaid renewal fees and a fee that is equal to the original fee for the license or registration to the fire marshal. If a license or registration has been expired for two years or longer, the license or registration shall not be renewed; however, a new license or certificate of registration may be obtained by complying with the requirements and procedures for obtaining an original license or registration. At least thirty days before the expiration of a license or registration, the fire marshal shall send written notice of the impending license or registration expiration to the licensee or registrant at his or its last known address. This Subsection shall not be construed to prevent the fire marshal from denying or refusing to renew a license under applicable law or rules.

F. The state fire marshal by rule may adopt a system under which certificates of registration, licenses, and permits expire on various dates during the year. For the year in which the expiration date of the certificate of registration, license, or permit is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each registrant, licensee, or permittee shall pay only that portion of the fee that is allocable to the number of months during which the certificate of registration, license, or permit is valid. On each subsequent renewal, the total renewal fee shall be payable.

G. Not later than the thirtieth day after the day on which a licensing examination is administered pursuant to this Subpart, the state fire marshal shall send notice to each examinee of the results of the examination. If an examination is conducted, graded, or reviewed by a testing service, the fire marshal shall send notice to the examinees of the results of the examination within two weeks after the date on which the fire marshal receives the results from the testing service. If the notice of the examination results will be delayed for longer than ninety days after the examination date, the fire marshal shall send notice to the examinee of the reason for the delay before the ninetieth day. If requested in writing by a person who fails the licensing examination administered pursuant to this Subpart, the fire marshal shall send to the person an analysis of the person's performance on the examination.

H. The state fire marshal shall establish by rule procedures for certifying and shall certify continuing education programs for persons licensed pursuant to this Subpart. Participation in such programs shall be mandatory.

I. The state fire marshal may waive any license requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

Acts 1990, No. 268, §1; Acts 1991, No. 594, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1.

#### **§1658. Powers and duties of state fire marshal**

The state fire marshal shall:

(1) Formulate and administer such rules as may be determined essentially necessary for the protection and preservation of life and property, in controlling the following:

(a) The registration of firms engaging in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems.

(b) The registration of firms engaged in the business of hydrostatic testing of fire extinguisher cylinders.

(c) The examination of persons applying for a license.

(d) The licensing of persons to service portable fire extinguishers and to plan, certify, install, or service fixed fire extinguisher systems or fire detection and alarm systems.

(e) The requirements for the servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems or fire detection and alarm systems.

(2) Evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems.

(3) Conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers or to plan, certify, install, or service fixed fire extinguisher systems or fire detection and alarm systems.

(4) Issue certificates of registration for those firms that qualify under the rules to engage in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems, and issue licenses, apprentice permits, and authorizations to perform hydrostatic testing to the firms or individuals who qualify.

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

(6) Have authority, after notice and opportunity for hearing, to increase or decrease the limits of insurance coverage and authorize acceptance of surplus lines coverage if the state fire marshal determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by R.S. 40:1654 is unavailable to applicants for or holders of certificates of registration.

(7) Formulate and administer such rules as are necessary to determine which class of firms engaged in the planning, installing, or servicing of fixed fire extinguisher systems shall be required to employ at least one individual who has successfully completed all or a designated number of modules necessary to become certified at Level III by the National Institute for the Certification of Engineering Technologies.

(8) Formulate and administer such rules necessary for the relabeling of portable fire extinguishers whose label of approval or listing of a testing laboratory has been removed. Portable fire extinguishers shall be relabeled if there is sufficient proof that the extinguisher was properly labeled by a listed testing laboratory and the extinguisher can be certified to be in proper working condition by a firm with a valid certificate of registration.

(9) Evaluate the qualifications of the employees of those entities specified in R.S. 40:1656(A)(2), (5), and (10) which seek to be exempted from the licensing requirements of R.S. 40:1651 et seq.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1; Acts 1992, No. 1019, §2, eff. July 13, 1992.

### **§1659. Prohibited acts**

No person or firm shall do any of the following:

- (1) Engage in the business of servicing portable fire extinguishers without a valid certificate of registration.
  - (2) Engage in the business of planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems without a valid certificate of registration.
  - (3) Service portable fire extinguishers or plan, certify, service, or install fixed fire extinguisher systems or fire detection and alarm systems without a valid license.
  - (4) Perform hydrostatic testing of fire extinguisher cylinders manufactured in accordance with the specifications and requirements of the United States Department of Transportation without a valid hydrostatic testing certificate of registration.
  - (5) Obtain or attempt to obtain a certificate of registration by fraudulent representation.
  - (6) Service portable fire extinguishers or plan, certify, service, or install fixed fire extinguisher systems or fire detection and alarm systems contrary to the provisions of this Subpart or the rules promulgated and adopted pursuant to this Subpart.
  - (7) Service or hydrostatically test a fire extinguisher that does not have the proper identifying labels.
  - (8) Sell, service, or recharge a carbon tetrachloride fire extinguisher.
  - (9) Violate R.S. 40:1655(A).
- Acts 1990, No. 268, §1; Acts 1991, No. 611, §1.

### **§1660. Penalties**

A. The state fire marshal may refuse the issuance or renewal of, suspend, or revoke a certificate of registration, license, or permit if, after notice and hearing, he finds that the applicant, registrant, licensee, or permit holder has violated this Subpart.

B. A person commits an offense if the person knowingly or intentionally commits any act prohibited by R.S. 40:1659.

C. An offense under Subsection B of this Section shall be a misdemeanor. Venue for the offense shall be East Baton Rouge Parish or the parish in which the offense was committed.

D. If the state fire marshal, or his designee, finds one or more grounds exists for the suspension or revocation of a certificate of registration, license, or permit issued pursuant to this Subpart, he may, in lieu of suspension or revocation impose a civil penalty upon the offender in an amount not to exceed one thousand dollars for each violation. Procedures for the imposition of said civil penalties and appeals thereof shall be governed by the Administrative Procedure Act.

Acts 1990, No. 268, §1; Acts 1991, No. 611, §1; Acts 1991, No. 669, §1.

#### **§1660.1. Civil penalties**

A. No person or firm shall engage in any activity for which a license, permit, or certificate of registration is required by this Subpart without having obtained such license, permit, or certificate from the state fire marshal.

B. The state fire marshal may assess a civil penalty of not more than one thousand dollars for each violation if, after notice and hearing, a person or firm is found to have violated this Section.

Acts 1991, No. 417, §1; Acts 1992, No. 1019, §2, eff. July 13, 1992.

### **§1660.2. Injunction**

A. In addition to the actions and penalties otherwise provided for by this Subpart, the state fire marshal may cause to issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Subpart.

B. In the suit for an injunction, the board may demand of the defendant a penalty of fifty dollars per day for each violation, reasonable attorney fees, and the costs of court.

C. The judgment for penalty, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made absolute.

Acts 1992, No. 1019, §2, eff. July 13, 1992.

### **§1661. Disposition of collected funds**

A. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to the amount of all funds collected pursuant to this Subpart shall be credited to the Louisiana Fire Marshal Fund authorized by R.S. 22:1077.

B. The fire marshal is authorized to expend monies from the Louisiana Fire Marshal Fund for the administration and enforcement of this Subpart.

Acts 1990, No. 268, §1.

## **PART III. SAFETY GLAZING IN HAZARDOUS LOCATIONS**

### **§1711. Definitions**

As used in this part, the following terms shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise:

(1) "Safety glazing material" means any glazing material such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the Louisiana State Fire Marshal and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

(2) "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as determined by the Louisiana State Fire Marshal; whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

For the purposes of this part wood panel doors with small lights thirty-six inches or more above the floor, French doors and doors with leaded glass lights are not to be considered hazardous and these installations are not to be included within the definition of hazardous locations as set forth hereinabove.

Added by Acts 1972, No. 719, §1. Amended by Acts 1974, No. 680, §1.

**§1712. Labeling required**

A. Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the State of Louisiana shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material on the safety glazing material, or by other suitable means. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1-1966. The label must be legible and visible after installation.

B. Such safety glazing labeling shall not be used on other than safety glazing materials.  
Added by Acts 1972, No. 719, §1.

**§1713. Safety glazing materials required**

It shall be unlawful within the State of Louisiana to knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location, as defined herein above, after the effective date of this Part. This Part shall not be construed as being retroactive and shall become effective on January 1, 1973.

Added by Acts 1972, No. 719, §1.

**§1714. Employees not covered**

No liability under this Part shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with Part.

Added by Acts 1972, No. 719, §1.

**§1715. Penalty**

Whoever violates the provisions of this Part shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars or more than one thousand dollars, or to imprisonment of not more than six months, or both.

Added by Acts 1972, No. 719, §1.

**PART IV-A. STATE UNIFORM CONSTRUCTION CODE**

**§1725. Short title**

This Chapter shall be known, and may be cited and referred to, as the "State Uniform Construction Code".

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

**§1726. Purpose**

It is the intent and purpose of this Part:

(1) To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards.

(2) To formulate such requirements, to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability.

(3) To permit to the fullest extent feasible the use of modern technical methods, devices

and improvements, including premanufactured systems, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures.

(4) To eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(5) To insure adequate maintenance of buildings and structures throughout the state and to adequately protect the health, safety, and welfare of the people.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

### **§1727. Legislative findings**

It is hereby found and declared:

(1) That a multiplicity of construction codes currently exists in this state and some of these codes contain needless restrictions which limit the use of certain materials, techniques, or products without any benefits to the public. However, the variation of construction standards caused by the multiplicity of codes slows the process of construction and increases the costs of construction.

(2) That the way to insure uniform, modern construction standards and regulations throughout the state of Louisiana which will lower the cost of housing and other construction without any detriment to the public health, safety, and welfare is to adopt a uniform state construction code.

(3) That the model codes of the Southern Building Code Congress International, Inc. and the National Electrical Code, published by the National Fire Protection Association, are construction codes which have been widely adopted in this state, and adoption of these nationally recognized codes will insure that the state has a uniform, modern construction code which will insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of this state.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

### **§1728. Adoption of uniform code; enforcement; rules**

A. The Standard Building Code of the Southern Building Code Congress International, Inc. and the National Electrical Code published by the National Fire Protection Association, as they are subsequently amended, are hereby adopted as the State Uniform Construction Code.

B. If a building code is adopted by any political subdivision of this state, it must adopt the State Uniform Construction Code.

C. If a political subdivision chooses not to enforce a building code on its own upon request of a local jurisdiction, the state fire marshal may enforce at his option the State Uniform Construction Code on its behalf.

D. Nothing in this Part shall be construed so as to prevent the state fire marshal from enforcing the fire protection, life safety, handicapped accessibility, and high rise laws of this state, the enforcement of which are his statutory and regulatory responsibility.

E. The state fire marshal shall have the power to promulgate those rules and regulations as may be necessary to enforce the provisions of this Part.

F. Plans and specifications for enforcement of the state's fire protection, life safety, handicapped accessibility, and high rise statutes shall be submitted to the fire marshal pursuant to

R.S. 40:1574(A) and (B). Plans and specifications for compliance with the State Uniform Construction Code shall be submitted to the local building official in parishes or municipalities which have ordinances mandating this function except as provided in Subsection C.

G. In the event that the governing authority of any municipality or parish finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

#### **§1729. Building code enforcement departments not required**

Nothing contained in this Part or in any building code shall be construed as requiring any political subdivision to establish an office or any other kind of unit in order to enforce the provisions of the State Uniform Construction Code.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

#### **§1730. Scope of building codes**

A. The performance of any enforcement procedure in connection with any building code shall be deemed to be a discretionary act and shall be subject to the provisions of R.S. 9:2798.1. In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by an enforcement agency as to durability or fitness, or as a warranty or guarantee by an enforcement agency that said building, structure, or other improvement to immovable property or any material, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way.

B. The provisions of this Part shall not apply to state owned buildings to which the provisions of Part IV of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950 apply.

Acts 1991, No. 400, §1, eff. Jan. 1, 1992.

## **PART IV-B. COMMERCIAL BUILDING ENERGY CONSERVATION CODE**

#### **§1730.21. Short title**

This Part shall be known, and may be cited and referred to, as the "Commercial Building Energy Conservation Code" or the "Energy Code".

Acts 1997, No. 1120, §1.

#### **§1730.22. Definitions**

(1) "Alteration" means alterations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), and (F).

(2) "ASHRAE/IES 90.1-1989" means the document developed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America entitled "Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings".

(3) "Commercial buildings" means all buildings designed for human occupancy except residential buildings of three stories or less.

(4) "COMcheck-EZ" means the commercial building energy code compliance package, including computer software, developed by Pacific Northwest National Laboratory under contract to the United States Department of Energy as a simplified method of demonstrating compliance with ASHRAE/IES 90.1-1989.

(5) "EPAAct" means the Energy Policy Act of 1992 enacted by the Congress of the United States.

(6) "Historic buildings" means those buildings specifically designated as historically significant by the state historic preservation officer or by official action of a local government.

(7) "MECcheck" means the Model Energy Code compliance package, including computer software, developed by Pacific Northwest National Laboratory under contract to the United States Department of Energy as a simplified method of demonstrating compliance with the Model Energy Code.

(8) "Model Energy Code" means the document developed by the Council of American Building Officials entitled the Model Energy Code -- 1995 Edition.

(9) "Repair" means alterations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), and (F).

(10) "Residential buildings" means one and two family dwellings. These buildings are identified as Group R3 in the Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code).

Acts 1997, No. 1120, §1.

§1730.23. Legislative findings

It is hereby found and declared:

(1) The Energy Policy Act of 1992 (EPAAct) enacted by the Congress of the United States requires that all states adopt energy efficiency standards for commercial buildings that are at least as stringent as ASHRAE/IES 90.1-1989.

(2) The intent of EPAAct was to develop a national energy strategy that protects the national security interests of the United States by reducing reliance on imported energy supplies, enhancing the competitiveness of United States companies in a global economy, and protecting the environment and the quality of life of citizens of the United States.

(3) As a major energy producer and consumer, the state of Louisiana has a responsibility to do its part to help the Congress of the United States achieve the goals of EPAAct.

(4) It is estimated that enactment in Louisiana of a commercial building energy code based on ASHRAE/IES 90.1-1989 will, by the year 2000, reduce energy consumption by ninety-seven billion British thermal units annually, save Louisiana building owners and tenants over one million two hundred thousand dollars annually in utility costs, and reduce emissions by the equivalent of thirty-four million pounds of carbon dioxide each year.

(5) An effective statewide building code system, including energy codes, will enhance Louisiana's ability to avoid increased building insurance premiums for its citizens when the Insurance Services Organization (ISO) Building Code Effectiveness Grading Scale is applied to Louisiana.

(6) Adoption of a nationally recognized energy efficiency standard will enable Louisiana designers, builders, and code officials to participate in training opportunities and to use the computer software programs that are now available throughout the country.

(7) It is more cost-effective to adopt a single statewide model energy code, with state amendments, than for multiple jurisdictions to go to the expense of researching, drafting, and adopting local energy codes individually. It is also easier for the design and construction communities to learn and conform to one energy code instead of multiple codes.

Acts 1997, No. 1120, §1.

#### **§1730.24. Purpose**

It is the intent and purpose of this Part to institute minimum energy conservation standards for all new construction and all applicable alterations and repairs of commercial buildings within Louisiana.

Acts 1997, No. 1120, §1.

#### **§1730.25. Scope of Commercial Building Energy Conservation Code**

A. All new commercial buildings constructed in Louisiana must comply with the Commercial Building Energy Conservation Code.

B. The provisions of R.S. 40:1574(C), (D), (E), and (F) as to code applicability and conformance level for alterations and repairs shall also apply to the provisions of this Part.

C. The following buildings are exempted from the provisions of this Part:

(1) Buildings or portions thereof separated from the remainder of the building that have a peak energy usage for space conditioning, service water heating, and lighting of less than three and one-half British thermal units an hour per square foot of gross floor area.

(2) Buildings of less than one hundred square feet of gross floor area.

(3) Areas of buildings intended primarily for manufacturing or commercial or industrial processing.

D. The state fire marshal or the facility planning and control section of the division of administration may modify the specific requirements of this Part for historic buildings and require alternate requirements which will result in a reasonable degree of energy efficiency.

Acts 1997, No. 1120, §1.

#### **§1730.26. Adoption of Commercial Building Energy Conservation Code; enforcement; rules**

A. For commercial buildings in all categories except buildings identified in Group R2 in the State Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code) that are three stories in height or less, ASHRAE/IES 90.1-1989, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code.<sup>1</sup> For applicable buildings, compliance with COMcheck-EZ, as revised by state amendments, shall be deemed to be in compliance with the Commercial Building Energy Conservation Code.

B. For commercial buildings in Group R2 in the State Uniform Construction Code (Section 311.2 in the 1994 edition of the SBCCI Standard Building Code) that are three stories in height or less, the 1995 Model Energy Code developed by the Council of American Building Officials, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code.<sup>1</sup> For applicable buildings, compliance with MECcheck, with state amendments, shall be deemed to be in compliance with the Commercial Building Energy Conservation Code.

C. With the exception of state-owned facilities, statewide enforcement of the provisions of this Part shall be the responsibility of the office of the state fire marshal, code enforcement and

building safety. No commercial building shall be constructed, altered, or repaired in Louisiana until building plans, specifications, and energy code compliance documents have been submitted to and reviewed by the state fire marshal for compliance with the Commercial Building Energy Conservation Code.

D.(1) For state-owned facilities, statewide enforcement of the provisions of this Part shall be the responsibility of the facility planning and control section of the division of administration.

(2) No construction shall commence on any new state-owned facility unless the facility planning and control section of the division of administration has determined that the building plans, specifications and energy code compliance documents therefor are in compliance with the Commercial Building Energy Conservation Code.

(3) No alterations or repairs to any existing state-owned facility shall commence unless the facility planning and control section of the division of administration has determined that the building plans, specifications and energy code compliance documents for that portion being altered or repaired are in compliance with the applicable part of the Commercial Building Energy Conservation Code.

E. Parties submitting plans or code compliance documents that appear to the state fire marshal to comply with the provisions of this Part will be furnished with a letter which shall state that the plans appear to be in compliance with the Commercial Building Energy Conservation Code.

F. This letter of apparent compliance from the state fire marshal in no way permits or authorizes an omission or deviation from the provisions of this Part and in no way authorizes or otherwise increases or causes the state to incur any liability for failure to recognize and point out any such omissions or deviations from the provisions of this Part.

G. Parties submitting plans or code compliance documents that appear to the state fire marshal not to comply with the provisions of this Part will be furnished with a letter which shall state that the plans do not appear to comply with the Commercial Building Energy Conservation Code. This letter of apparent noncompliance shall not delay the state fire marshal's normal project review process nor the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

H. Parties receiving a letter of apparent noncompliance shall be entitled to submit revised plans, documentation, or other evidence to the state fire marshal for a reevaluation of the project's compliance with the provisions of this Part. This reevaluation process shall not delay the state fire marshal's normal project review process nor the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

I. The letter of apparent compliance or noncompliance from the state fire marshal shall be kept at the site of the project for as long as the structure is in the process of construction, alteration, or repair.

J. The owners of all structures shall retain this letter of apparent compliance or noncompliance from the state fire marshal in a safe place for as long as the structure is occupied, used, or both.

K. The office of the state fire marshal, code enforcement and building safety shall not be required to retain any copy of the reviewed plans, specifications, energy code compliance documents, or letters of apparent compliance or noncompliance.

L. The state fire marshal and the facility planning and control section of the division of administration shall have the power to promulgate rules and regulations necessary to enforce the

provisions of this Part.

M. Nothing in this Part shall be construed to prevent any political subdivision of the state from adopting and enforcing a local commercial building energy conservation code. However, if a commercial building energy code is adopted by any political subdivision of this state, it must adopt the Commercial Building Energy Conservation Code.

N. The provisions of Subsections A and B of this Section shall be replaced or amended on the effective date of a revised Commercial Building Energy Conservation Code promulgated by the state fire marshal as provided in R.S. 40:1730.29, in consultation with the facility planning and control section of the division of administration and the Department of Natural Resources, pursuant to the provisions of the Louisiana Administrative Procedure Act.

O. The Department of Natural Resources shall provide the American Institute of Architects with a computer, computer software, and any other equipment necessary to aid in the submission of plans as required for compliance with the Commercial Building Energy Conservation Code.

Acts 1997, No. 1120, §1.

<sup>1</sup>As appears in enrolled bill.

#### **§1730.27. [Reserved]**

#### **§1730.28. Commercial Building Energy Conservation Code Advisory Committee**

A. The Commercial Building Energy Conservation Code Advisory Committee shall be established to provide advice and consultation to the office of the state fire marshal, code enforcement and building safety, the facility planning and control section of the division of administration, and the energy section of the Department of Natural Resources in the consideration of revisions or amendments to the energy code.

B. The advisory committee shall be composed of the following members:

- (1) One registered professional engineer.
- (2) One licensed professional architect.
- (3) One individual representing building owners or building managers.
- (4) One individual representing builders and general contractors.
- (5) Two individuals representing citizens interested in energy and environmental issues.
- (6) Two individuals representing building or engineering academia.
- (7) One individual representing business and industry.
- (8) One individual representing municipal governments.
- (9) One individual representing local code enforcement officials.
- (10) One individual representing electric utilities.
- (11) One individual representing gas utilities.
- (12) One individual representing HVAC contractors.
- (13) One individual representing insulation or window manufacturers.
- (14) One individual representing the Department of Environmental Quality, selected by the department.
- (15) One individual representing the Louisiana Public Service Commission, selected by the commission.
- (16) One individual representing the office of facility planning within the division of administration, selected by the division.

- (17) One individual representing the Louisiana Senate.
- (18) One individual representing the Louisiana House of Representatives.
- (19) One individual representing the office of the governor.

C. Unless provided otherwise, all members of the advisory committee shall be appointed by and serve at the pleasure of the secretary of the Department of Natural Resources.

D. The advisory committee shall be convened as necessary by the secretary of the Department of Natural Resources.

E. Membership on the advisory committee shall be on a voluntary, public service basis. No per diem or expenses shall be paid for service on the advisory committee.

Acts 1997, No. 1120, §1.

### **§1730.29. Amendments and revisions to the Commercial Building Energy Conservation Code**

A. The office of the state fire marshal, code enforcement and building safety, in consultation with the facility planning and control section of the division of administration and the energy section of the Department of Natural Resources, shall have the authority to promulgate amendments, revisions, and alternative compliance methods for the Commercial Building Energy Conservation Code, pursuant to the provisions of the Louisiana Administrative Procedure Act. Such amendments, revisions, and alternative compliance methods shall be designed to adapt the energy code to Louisiana's climate, keep pace with changing technology, implement revisions to the energy code as adopted by ASHRAE/IES, and consider alternative, equivalent, simplified energy codes.

B. Any alternative Commercial Building Energy Conservation Code, and revisions to the existing energy code, worksheets, prescriptive methods, or alternative methods or practices concerning the energy code shall meet the requirements of the EAct. All proposed changes to the Commercial Building Energy Conservation Code shall be submitted to the United States Department of Energy, or subsequent appropriate authority, for review following implementation.

C. All proposed energy code revisions or alternative energy codes must be presented to the Commercial Building Energy Conservation Code Advisory Committee for review and comment.

D. Once promulgated by the state fire marshal, in consultation with the facility planning and control section of the division of administration and the Department of Natural Resources, pursuant to the provisions of the Louisiana Administrative Procedure Act, the revised Commercial Building Energy Conservation Code will replace the provisions of R.S. 40:1730.26(A) and (B).

Acts 1997, No. 1120, §1.

### **§1730.30. Effective date**

A. The provisions of this Part, with the exception of R.S. 40:1730.31, shall become effective on January 1, 1999. However, compliance with the provisions of this Part, with the exception of R.S. 40:1730.31, shall be optional from July 1, 1998, until the effective date of January 1, 1999. For state-owned facilities, compliance with the applicable provisions of this Part shall become optional from July 1, 1997, until the effective date of January 1, 1999. This delayed implementation date will allow a minimum of eighteen months from the date of passage of this Part for training of building and design professionals, to publicize the merits and requirements of the energy code, to promulgate rules and regulations governing implementation of the energy code, and to develop simplified code documentation materials.

B. The effective date of fees established under R.S. 40:1730.31 shall be January 1, 1998. Acts 1997, No. 1120, §1.

**§1730.31. Fees**

A. The owner of the project who submits the plans and specifications shall pay to the office of the state fire marshal, code enforcement and building safety an energy code plan review fee of twenty dollars. This fee shall cover the costs associated with review of the project to determine applicability of the provisions of this Part, and if applicable, to determine compliance or noncompliance. This fee shall apply to all plans and specifications submitted to the state fire marshal, regardless of applicability of the provisions of this Part to the particular project. Plans that are resubmitted under the provisions of R.S. 40:1730.26(H) shall pay an additional twenty dollar fee to the state fire marshal for reevaluation of the project. The provisions of this Section shall not apply to state-owned facilities.

B. The fees provided in this Section shall be in addition to fees imposed under R.S. 40:1574.1.

Acts 1997, No. 1120, §1.

**§1730.32. Training and technical assistance**

A. Training and technical assistance in the implementation of the Commercial Building Energy Conservation Code shall be the responsibility of the energy section of the technology assessment division of the Department of Natural Resources.

B. During the 1997-1998 Fiscal Year, the energy section shall conduct a minimum of eight training workshops for building and design professionals on requirements of the Commercial Building Energy Conservation Code. These workshops shall be distributed geographically across the state and shall be sufficiently advertised to provide any prudent person the opportunity to participate. The workshops during this initial one-year period shall be conducted free of charge. Funding for this activity will come from a grant already obtained by the energy section from the United States Department of Energy.

C. During the 1997-1998 Fiscal Year, the energy section shall also develop simplified code implementation materials that can be used to explain the requirements of the energy code and allow for a method of documentation of energy code compliance that is acceptable to the state fire marshal and the facility planning and control section of the division of administration. The materials will be suitably designed for projects in which a design professional may not be involved. After implementation of the energy code, these materials will be distributed by the office of the state fire marshal, code enforcement and building safety through its normal permitting process, or by the facility planning and control section of the division of administration.

D. After July 1, 1998, the energy section shall continue training and technical assistance as funding allows.

Acts 1997, No. 1120, §1.

**PART V. EQUAL ACCESS TO GOVERNMENTAL AND PUBLIC FACILITIES FOR PHYSICALLY HANDICAPPED**

**§1731. Purposes**

A. The legislature hereby finds that the physically handicapped are denied access to much

of the built environment and that this denial of access often prevents the physically handicapped from exercising their rights and privileges as citizens. Denial of access further impairs the ability of the physically handicapped to secure an education, to find and maintain gainful employment, to live independently, and to otherwise participate fully in society. The legislature further finds that a large proportion of the population is physically handicapped and that this state has a moral interest in securing equal rights for all its citizens and an economic interest in the removal of architectural barriers which keep the physically handicapped on public assistance programs and from becoming productive citizens.

B. It is therefore the policy of this state to bring to an end, as quickly as possible, the undue hardship caused by architectural barriers. The state shall enable persons who are physically handicapped to achieve maximum personal independence, to become gainfully employed, and to use and enjoy all buildings and facilities. It is the intent of the legislature to implement the removal of architectural barriers so that the physically handicapped may begin to share equally with the nonphysically handicapped the right to use and enjoy the man-made environment including, but not limited to, places of employment, recreation, entertainment, shopping, and education.

Added by Acts 1977, No. 625, §1.

### **§1732. Definitions**

As used in this Part:

(1) "ADA" means the Americans with Disabilities (Civil Rights) Act of 1990 (Public Law 336).

(2) "ADAAG" means the Americans with Disabilities Act Accessibility Guidelines in effect on September 1, 1994, as adopted by the United States Department of Justice pursuant to the ADA.

(3) "Alteration" means deliberate reconstruction of an existing building in whole or in part in order to bring it up to date in conformity with present uses of the structure and to which other rules and regulations on the upgrading of health and safety provisions are applicable. It shall also include "alteration" as defined in the ADAAG. For purposes of this Part, alteration shall also mean any change in occupancy as defined by the Life Safety Code.

(4) "Building" means a structure to which the general public customarily has access or utilizes as defined in the ADAAG.

(5) "Dwelling unit" means a single unit of residence for a household of one or more persons.

(6) "Fire marshal" means the fire marshal of the state of Louisiana.

(7) "Governmental facility" means a building, structure, or facility designed, constructed, or altered by, on behalf of, or for the use of a quasi public agency, the state, or any agency or department thereof, or any political subdivision or any agency or department thereof.

(8) "Improved area" includes parking lots, curbings, sidewalks, streets, harbors, parks, beaches, public telephones, recreational areas, drinking fountains, camping grounds, and restrooms.

(9)(a) "Public facility" means a commercial facility or a place of public accommodation as such terms are defined in the ADAAG.

(b) A "public facility" does not include a governmental facility.

(10) "Structure" means that which is built or constructed; an edifice or building of any

kind; temporary or permanent.

Added by Acts 1977, No. 625, §1. Acts 1984, No. 240, §1, eff. June 30, 1984; Acts 1988, No. 551, §2, eff. Jan. 1, 1989; Acts 1995, No. 880, §1.

{{NOTE: SEE ACTS 1988, NO. 551, §3.}}

**§1733. ADAAG standards**

The Americans with Disabilities Act Accessibility Guidelines in effect on September 1, 1994, as adopted by the United States Department of Justice pursuant to the ADA are hereby adopted, and requirements therein, shall be complied with.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

**§1734. Accessibility features required of new public facilities or governmental facilities; dwelling units**

A. Any new or altered public facility or governmental facility shall be made accessible pursuant to ADAAG standards subject only to the limitations or exceptions provided for therein. However, any altered public facility or governmental facility shall not be made to comply with Section 4.1.6(2) of the ADAAG standards relative to path of travel.

B. Any dwelling unit in a facility which incorporates more than four dwelling units shall be made accessible in accordance with rules promulgated by the fire marshal pursuant to the Administrative Procedure Act. Such rules shall, at a minimum, provide that at least five percent of the dwelling units in complexes containing more than fifteen units shall be fully accessible to a disabled potential resident.

Added by Acts 1977, No. 625, §1. Acts 1990, No. 459, §1; Acts 1995, No. 880, §1.

**§1735. Public facilities and governmental facilities to display signs**

All public and governmental facilities constructed or remodeled in accordance with ADAAG standards shall display signs indicating entrances, facilities, directions, accommodations for the disabled, and other signs as required by and also in accordance with such standards.

Amended by Acts 1977, No. 625, §1; Acts 1995, No. 880, §1.

**§1736. Obstruction of common or emergency exits prohibited; standards of accessibility; penalty**

A. Any common or emergency exit on the first floor or ground level of any new or altered public or governmental facility shall remain free of any obstruction which would prevent a physically handicapped person from using same. Common and emergency entrances and exits shall conform to the ADAAG standards.

B. Iron posts not used for structural support or similar barricades at common or emergency entrances and exits of public facilities or facilities used by the public that are existing, under construction, or under contract for construction which would prevent a physically handicapped person from using such entrances or exits shall be removed.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

**§1737. Violations; enforcement by fire marshal**

A. In cases of practical difficulty or unnecessary hardship, the state fire marshal may, after consultation with the office of rehabilitative services, grant exceptions from the literal

requirements of the standards and specifications required by this Part or permit the use of other methods or materials. Unless a written exception is granted by the fire marshal, any unauthorized deviation from ADAAG standards shall be rectified by full compliance within ninety days after discovery of the deviation and delivery of a copy of the order requiring remedying of the deviation to the occupant or any person in charge of the premises personally or by registered or certified mail. If no person is found on the premises the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance of the premises.

B. The fire marshal may grant an extension not to exceed sixty days in cases of practical difficulty or unnecessary hardship prior to imposing fines pursuant to R.S. 40:1740.

Added by Acts 1977, No. 625, §1; Acts 1985, No. 804, §1, eff. July 22, 1985; Acts 1995, No. 880, §1.

### **§1738. Review of plans and specifications before construction begins**

A. No building permits shall be issued, no state contracts shall be awarded, nor shall any change in new building plans which affect compliance with ADAAG standards be approved concerning any public or governmental facilities until the fire marshal has reviewed and stated that the plans and specifications regarding accessibility appear to him to comply with ADAAG standards.

B. In each case the application for review shall be accompanied by the plans and full, complete, and accurate specifications which shall comply in every respect with any and all requirements prescribed by ADAAG.

C. The application shall be accompanied by a filing fee in accordance with R.S. 40:1574.1(A).

D. The fire marshal shall consult with the office of rehabilitative services in identifying the requirements necessary to comply with this Part.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

### **§1739. Acceptance of completed construction**

Prior to final acceptance of any completed public or governmental facility, for which a permit has been issued under this Part, a certificate stating that the building has been constructed in compliance with ADAAG standards as reviewed by the fire marshal shall be required of the owner, signed by the project architect or project engineer, or, in the event there is no project architect or project engineer, the certificate shall be signed by the owner. The certificate shall be recorded in the mortgage records in the parish where the project is located.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

### **§1740. Enforcement of Part**

A. For purposes of enforcing this Part, in any instance in which the ADAAG standards are not complied with the local building code authorities and the health authorities shall have authority to enforce these standards. Written approval by the fire marshal shall be presumptive evidence of compliance with ADAAG standards but shall not be considered conclusive and local building code authorities and health authorities shall have the power to review all construction within their jurisdiction to the end that the intent of this legislation shall be enforced.

B. Local building code authorities, health authorities, or any individual may seek an injunction to halt construction or require compliance with ADAAG standards of any public facility

or governmental facility which has been constructed or is being constructed in violation of this Part. All actions shall be brought in the district court of the parish in which the public facility or governmental facility, or portion thereof, that is not in compliance, is situated.

Added by Acts 1977, No. 625, §1. Acts 1984, No. 614, §1, eff. July 12, 1984; Acts 1988, No. 423, §1; Acts 1995, No. 880, §1.

**§1741. Educational program by the office of rehabilitative services and fire marshal**

Subject to appropriation for such purpose, the office of rehabilitative services and the state fire marshal may provide for educating the public and working with officials of cities, local building code inspectors, parishes, municipalities and other political subdivisions, private architects, designers, planners, and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living. They shall work with architectural schools of the state and the State Board of Architectural Examiners to develop for inclusion in the architecture curriculum a course on barrier free design and to develop for inclusion in the architectural licensing test a section on barrier free design.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

**§1742. Parking spaces for certain disabled persons**

A.(1) Each state agency and political subdivision having jurisdiction over street parking or a government facility and each owner or lessee of a public facility shall, in accordance with applicable zoning and building codes, provide and maintain a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of persons whose vehicles are identified by license plates, hang tags, or special parking cards for the mobility impaired issued pursuant to R.S. 47:463.4 or 463.4.1. The mobility impaired parking spaces shall adhere to the ADAAG specifications and shall include mobility-impaired loading and unloading areas, access aisles, access ramps, and curb cuts. The minimum number of such parking spaces shall be as established by ADAAG. Public facility, as the term is used in this Section, shall be as defined in R.S. 40:1732, and shall include private property which is open to the public and to which the public is invited for commercial or governmental purposes.

(2) The fire marshal may, in cases of extreme hardship, waive any provisions of this Section after consultation with the office of rehabilitative services.

(3) Any owner or lessee of a public facility who fails to provide and maintain spaces reserved and designated for the exclusive use of vehicles bearing a special license plate or parking card issued to a mobility-impaired driver free of obstructions shall be fined not more than five hundred dollars.

B.(1) No person shall park any vehicle in a mobility-impaired parking space unless such person has a license plate or hang tag for the mobility-impaired issued pursuant to R.S. 47:463.4 or a properly displayed special parking card issued pursuant to R.S. 47:463.4.1.

(2)(a) The law enforcement officer shall be authorized to issue a citation or take whatever law enforcement action is deemed necessary or both. Furthermore, when an individual found to be in violation of these provisions refuses a request by a law enforcement officer to move the vehicle found in violation, the officer shall be authorized to have such vehicle towed.

(b) The citation shall contain information concerning the nature, date, time, and location

of the alleged violation, the state vehicle license plate number, and the make of vehicle. In those cases where a license plate is not visible or legible, the vehicle identification number shall be used in lieu of the state vehicle plate number. The citation shall also contain information advising the person charged of the manner and the time in which he may contest the violation charged in the citation. The citation shall also provide that a failure to timely answer or appear before a court of competent jurisdiction shall be considered a prima facie admission of the violation set forth in the citation, in which the court may assess the appropriate fine or fines and all penalties incidental thereto.

(c) The citation issued pursuant to the provisions of this Subsection shall be personally served upon the operator of the vehicle by affixing the parking citation to the vehicle in a conspicuous place thereon. The original parking citation shall bear the name or initials and identification number of the issuing officer who shall affirm the truth of the facts set forth therein. An operator of a vehicle who is not the owner, but who uses or operates the vehicle with permission of the owner, expressed or implied, shall be considered the agent of the owner to receive the citation required to be served upon the operator or registered owner of a vehicle in accordance with the provisions of this Subsection. When a citation is issued for an alleged violation of the laws governing parking in a mobility-impaired parking space, loading and unloading areas, access aisles, access ramps, and curb cuts, there shall be a rebuttable presumption that a person in whose name the vehicle is registered was the operator of the vehicle when the alleged violation was committed.

(d) In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, or refuses service of the parking citation and drives away from or in any manner leaves the site of the violation, this fact shall be duly noted on the original and all copies of the parking citation. This original and all copies of a parking citation shall constitute a business record of the law enforcement agency issuing the citation and shall constitute prima facie evidence that the citation was issued and that an attempt at service was made in accordance with the provisions of this Subsection.

(3) The first violation of the provisions of this Subsection shall be punished by a fine of two hundred seventy-five dollars. A subsequent violation shall be punished by a fine of five hundred dollars.

(4) If the violator is other than an individual, a fine of five hundred dollars shall be imposed.

(5) In addition to such fine, the violator may also be required to pay the towing fee and any storage costs which are incurred.

(6) The state of Louisiana shall recognize parking cards or other removable windshield placards and special license plates which have been issued by authorities of other states and countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for the mobility-impaired.

(7) No fine issued pursuant to this Section shall be reduced or suspended.

C. Subsection B of this Section shall not be construed to affect or preempt any ordinance of any local governmental subdivision or to prohibit any local governmental subdivision of the state from adopting ordinances regulating mobility-impaired parking which ordinances may provide for penalties and enforcement as deemed appropriate by the local governing authority. The governing authorities of local governmental subdivisions may adopt such ordinances pursuant

to R.S. 32:41 or 42, R.S. 33:1236(28), any applicable provisions of a home rule charter, or any other applicable provision of law. Except as provided in R.S. 46:2583(A)(2), the provisions of local ordinances shall control in all aspects of enforcement of such ordinances.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 573, §1; Acts 1995, No. 880, §1; Acts 1997, No. 278, §1, eff. June 17, 1997; Acts 1999, No. 1307, §2, eff. July 12, 1999; Acts 2001, No. 508, §1, eff. June 21, 2001.

**§1742.1. Additional fine for enforcement of mobility-impaired parking regulations**

In addition to all fines, fees, costs, and punishment authorized for violation of mobility-impaired parking regulations, any parish or municipality which institutes a formal handicapped parking enforcement program to assist the law enforcement agency in enforcing such regulations may, by ordinance, provide for and enforce an additional twenty-five dollar fine for each violation of such regulations. The proceeds of such additional fine shall be used by such parish or municipal governing authority exclusively to fund such program.

Acts 1999, No. 1307, §2, eff. July 12, 1999.

**§1743. Penalties**

Any person who violates, or fails to comply with, the provisions of this Part except those violations under R.S. 40:1742(B) shall be subject to penalties described in R.S. 40:1621.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

**§1744. Compliance with ADA**

Nothing in this Part shall be construed to relieve any person of his responsibility to comply with the ADA.

Added by Acts 1977, No. 625, §1. Acts 1995, No. 880, §1.

**TITLE 40**  
**PART VII. REGULATION OF AMUSEMENT ATTRACTIONS**  
**AND RIDES**

**§1484.1. Short title**

This Part shall be known and may be cited as the Amusement Rides Safety Law.

Added by Acts 1985, No. 733, §1.

**§1605. Rubbish**

No person shall allow any empty boxes or barrels or any rubbish, trash, waste paper, excelsior, or other similar combustible materials not incident to or necessary in his trade to remain in any alley or sidewalk or on any premises within thirty feet of a building longer than twelve hours or overnight.

**§1613. Tents; fire resistant**

A. No person shall offer for sale or manufacture within this state, after January 1, 1975,

any tent, regardless of the size or description thereof, unless such tent is made of a fire resistant material or has been treated to render it fire resistant. The fire marshal may prescribe specific requirements to carry out the purpose of this section.

B. The fire marshal shall be responsible for the enforcement of this section. 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 tent being offered for sale or sold in this state or the premises of any establishment engaged in the manufacture of tents in this state for the purpose of determining compliance with this section. Whenever the inspecting officer finds any incidence of noncompliance with this section he shall issue an appropriate order to assure compliance, to have the tents removed from the premise or to remedy the incidence of noncompliance in whatever manner he may deem appropriate.

C. Whoever fails to comply with an order of the fire marshal under the provisions of this section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Each violation hereunder shall constitute a separate offense.

Added by Acts 1974, No. 264, §1.

### **SUBPART C. PENALTIES**

#### **§1621. Violation of fire marshal's orders; penalty**

Whoever fails to comply with any order issued by the fire marshal or his authorized representative, under any provisions of Part III of Chapter 7 of Title 40, R.S. 40:1569 excepted, shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Each day's violation of an order constitutes a separate offense and may be punished as such at the discretion of the court.

Acts 1989, No. 181, §1; Acts 1990, No. 86, §1.

#### **§1622. Violation of Part; criminal and civil liability**

If any loss of life or bodily injury results from a failure to comply with the requirements of this Part, the owners of the building or the agents of the absent proprietor, or the executor or administrator having the building in charge is guilty of negligent homicide and is further liable to a penalty in damages in favor of any fireman sustaining bodily injury as a result of the failure or in favor of the widow or heirs of any fireman losing his life because of the failure to comply with this Part.

### **SUBPART D-2. INSPECTION OF FIRE SPRINKLER SYSTEMS**

#### **§1646. State fire marshal; owners; fire sprinkler inspections**

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

B. The owner of any building containing a fire sprinkler system shall cause an annual inspection to be made of the fire sprinkler system in that building to assure compliance with applicable safety standards and to determine whether structural changes in the building or in the contents of the building mandate alteration of a system.

Acts 1991, No. 664, §1.

## **SUBPART F. ALARM INDUSTRY LICENSING**

### **§1662.1. Short title**

This Subpart shall be known as and may be cited as the "Alarm Industry Licensing Act".  
Acts 1995, No. 1054, §2, eff. Aug. 1, 1995.

NOTE: See Acts 1995, No. 1054, §3, eff. Aug. 1, 1995.

## **TITLE 49**

### **SUBPART D. PUBLIC BUILDINGS--USEABILITY BY PHYSICALLY HANDICAPPED**

#### **§148. Construction and design of state owned buildings; handicapped persons**

The standards and specifications set forth in this Section shall apply to all state owned buildings, educational institutions and office buildings which are constructed, renovated or remodeled in whole or in part by the use of state funds, or the funds of any board, commission, agency or department of the state; provided, however, that the provisions of this Sub-Part shall not apply to buildings constructed by parish or city school boards. All such buildings and facilities constructed, renovated or remodeled in this state after July 27, 1966 shall conform to each of the standards and specifications prescribed herein for the purpose of making such buildings and facilities accessible to and usable by the physically handicapped, or standards and specifications reasonably similar thereto.

Added by Acts 1966, No. 204, §1.

#### **§148.1. Specifications for grounds, buildings and facilities**

A. All public walks shall be at least forty-eight inches wide and shall have a gradient not greater than five percent. These walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least five feet by five feet, if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least three feet deep and five feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway.

B. At least one parking area shall be made accessible to the building by either placing it at the grade level of the building or providing ramps at curbs or steps between the parking area and the building.

C. Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) The ramp shall not have a slope greater than one foot rise in twelve feet, or 8.33 per cent, or four degrees fifty minutes.

(2) The ramp shall have handrails on at least one side, and preferably two sides. The top of handrails shall be thirty-two inches above the surface of the ramp and shall extend one foot beyond the top and bottom of the ramp.

(3) The ramp shall be at least thirty-two inches wide (inside clear measurements) and have

a surface that is nonslip.

(4) If a door swings out onto the platform or toward the ramp, the platform of the ramp shall be at least five feet by five feet. This platform shall be clear of door frame.

(5) If the door does not swing onto the platform or toward the ramp, this platform shall be at least three feet deep and five feet wide. This platform shall be clear of door frame.

(6) The bottom of the ramp shall have at least a six foot level run.

(7) Where the ramp exceeds thirty feet in length, level platforms shall be provided at thirty foot intervals. Level platforms shall also be provided at turns in the ramp. Platforms shall be at least thirty-two inches wide by five feet long.

D. Each building shall have at least one entrance which is accessible to individuals in wheelchairs. If the building is to be equipped with elevators, this entrance shall provide access to elevators either on a level plane or by ramp.

Doors shall have a clear opening of no less than thirty-two inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the door.

E. Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails thirty-two inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least eighteen inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven inches.

F. Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accord with Subsection C of this Section.

G.(1) An appropriate number of toilet rooms shall be accessible to, and usable by, the physically handicapped and shall have space to allow traffic of individuals in wheelchairs.

(2) An appropriate number of toilet rooms shall have at least one toilet stall that: (a) is four feet and four inches wide, (b) is at least four feet eight inches, preferably five feet, deep, (c) has a door, where doors are used, that is thirty-two inches wide and swings out, (d) has handrails on each side, thirty-three inches high and parallel to the floor, one and one-half inches in outside diameter, with one and one-half inches clearance between rail and wall, and fastened securely at ends and center, and (e) has a water closet with the seat 20 inches from the floor.

(3) An appropriate number of toilet rooms shall have narrow aprons, which when mounted at standard height are usable by individuals in wheelchairs; or shall have lavatories mounted two inches or more from the wall and thirty-one inches from bottom rim to floor for knee space and accessibility to individuals in wheelchairs.

(4) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than forty inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(5) An appropriate number of toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin nineteen inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(6) An appropriate number of toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than forty

inches from the floor.

H. An appropriate number of water fountains or other water-dispensing means shall be mounted thirty inches above the floor and in a way which will make them usable by the physically handicapped. Water fountains or coolers shall be hand-operated or hand-and-foot operated.

I. Where elevators are to be provided they shall be accessible to, and usable by, the physically disabled at all levels normally used by the general public. Elevators shall be designed to allow for traffic by wheelchairs.

J. Switches and controls for light, heat, ventilation, windows, draperies, elevators, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

K. Every effort shall be exercised to obviate all hazards to individuals with physical disabilities.

L. In addition to the requirements contained in Subsections A through K of this Section, each building to which this Sub-Part applies shall comply with the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, as approved on October 31, 1961 by the American Standards Association.

Added by Acts 1966, No. 204, §1.

#### **§148.2. Enforcement of Subpart**

A. The state fire marshal shall be responsible for enforcement of R.S. 49:148 and 49:148.1. When conducting inspections authorized by R.S. 49:148 and 49:148.1 the authorized agents of the state fire marshal shall determine whether each building covered by R.S. 49:148 has met the specifications set forth in R.S. 49:148.1. If the state fire marshal or his agents find that the specifications set forth in R.S. 49:148.1 are not met, the state fire marshal shall order the state board, commission, department or agency responsible for the construction, remodeling or renovation of the building to make the necessary alterations within a reasonable time specified by the state fire marshal. No construction, remodeling or renovation shall be finally accepted by the authority ordering it unless the state fire marshal has furnished the authority with a certificate attesting that the construction, remodeling or renovation has met the standards set forth in this Sub-Part.

B. On projects where compliance with any regulation of this Sub-Part is judged by the project architect or engineer to be unreasonable, the architect or engineer may so notify the contracting authority in writing, in which event the contracting authority may authorize in writing a deviation from the compliance with such regulation.

Added by Acts 1966, No. 204, §1.

#### **§148.3. Construction by political subdivisions, private enterprise**

In the public interest, it is hereby urged that all political subdivisions of the state and all private enterprise make an effort to adhere to the structural standards herein stated in the construction, remodeling and renovation of buildings used by the public.

Added by Acts 1966, No. 204, §1.

## **TITLE 51 PART VII A. FIREWORKS**

## §650. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

- (1) "Assembler" means any person engaged in the making of fireworks from component parts.
- (2) "Distributor" means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or a retailer or both.
- (3) "Importer" means any person who imports, brings in, or causes to be brought in any fireworks from outside the state of Louisiana into the state of Louisiana. "Importer" does not include a jobber or retailer who purchases fireworks from a distributor domiciled in Louisiana and who subsequently stores the fireworks in a warehouse outside of Louisiana with the intention of bringing the fireworks back into Louisiana after a short period of time to be distributed to other retailers in Louisiana or to be used in the purchaser's retail business.
- (4) "Jobber" means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail.
- (5) "Manufacturer" means any person engaged in making or construction of pyrotechnic compounds or component parts.
- (6) "Person" includes any firm, corporation, association, co-partnership, or one or more individuals.
- (7) "Retailer" means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.
- (8) "Sale" includes barter, exchange, or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

Acts 1958, No. 63, §7. Acts 1984, No. 918, §1, eff. July 20, 1984.

## §651. Sale or use of permissible fireworks

A. It shall be unlawful for any individual, firm, partnership, or corporation to possess, sell, or offer for sale or use within the state of Louisiana any pyrotechnics commonly known as fireworks other than the permissible fireworks. Permissible fireworks, formally known as Class "C" "common fireworks", consist of United States Department of Transportation classification codes UN 0336, 1.4G, or 1.4S and in addition includes "consumer fireworks" as defined by The Consumer Product Safety Commission and shall mean such articles of fireworks as are enumerated or may hereafter be enumerated by the United States Code of Federal Regulations: 49 CFR 173: Regulations of United States Department of Transportation for the transportation of explosives and other dangerous articles; 27 CFR 55: The Bureau of Alcohol, Tobacco and Firearms regulations of the commerce of explosives; and 16 CFR 1507: Consumer Product Safety Commission regulation of hazardous substances. In addition, any of the following enumerated devices shall also be permissible fireworks:

- (1) Permissible fireworks spark showering devices, which include the following defined items:
  - (a) "Cone fountain": A cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. When more than one cone is mounted on a common base the total pyrotechnic composition may not exceed two hundred grams.
  - (b) "Cylindrical fountain": A cylindrical tube containing not more than seventy-five grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total

pyrotechnic composition may not exceed two hundred grams.

(c) "Flitter sparkler": A narrow paper tube attached to a stick or wire and filled with not more than five grams of pyrotechnic composition.

(d) "Ground spinner": A small device, which vents out of the orifice usually located on the side of the tube, composed of not more than twenty grams of pyrotechnic composition.

(e) "Illuminating torch" (either spike base or hand held): A cylindrical tube containing not more than one hundred grams of pyrotechnic composition. When more than one tube is mounted on a common base, the total pyrotechnic composition may not exceed two hundred grams.

(f) "Pyrotechnic wheel device": One or more drivers in the form of a wheel which may be attached to a post or a tree by means of a nail or string. Each driver may contain not more than sixty grams of pyrotechnic composition. No wheel may contain more than two hundred grams total of pyrotechnic composition.

(g) "Toy smoke device": A small plastic or paper item, containing not more than one hundred grams of pyrotechnic composition, that upon ignition produces white or colored smoke as the primary effect and is classed as 1.4G unless classed as 1.4S or is not regulated as explosives on the basis of examination and testing as specified in Part 173.56 of Title 49, Code of Federal Regulations.

(2) Permissible aerial devices shall include the following fireworks:

(a) "Helicopter aerial spinner": A spinning device composed of a tube attached to a propeller or blade, which shall contain not more than twenty grams of chemical composition.

(b) "Mine or shell": A tube device made of heavy cardboard or paper attached to a wooden or plastic base and containing not more than twenty grams of chemical composition plus not more than twenty grams of lift charge and not more than one hundred thirty milligrams of explosive composition per report. Total chemical composition, including lift charges, of any multiple tube device may not exceed two hundred grams.

(c) "Missile-type rocket": A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than twenty grams of total chemical composition.

(d) "Roman candle": A tube device containing not more than twenty grams of chemical composition and not more than ten balls per tube.

(e) "Sky rockets" and "bottle rockets": Cylindrical tubes containing a total propellant charge each of more than four grams but less than twenty grams of chemical composition, a casing size of not less than five-eighths of an inch in outside diameter and a casing length of not less than two and seven-eighths inches, with an overall length of fifteen inches including the stick or greater length so as to assure stable flight, which shall be securely fastened by glue, staples, or wire or any other means which ensures the casing is securely attached to allow the stick to remain firmly attached during transportation, handling, and normal operation to the casing. Any sky rocket or bottle rocket which does not meet the requirements set forth in this Subsection shall be illegal.

(3) Permissible audible ground and audible aerial devices shall include the following fireworks:

(a) "Firecracker": An audible ground device wrapped in paper or contained within a cardboard tube which has an explosive composition of not more than fifty milligrams.

(b) "Multiple tube fireworks": Any audible aerial devices containing more than one cardboard tube, which shall not contain more than two hundred grams of total pyrotechnic

composition, unless the tubes are securely attached to a wood or plastic base or other suitable base and the tubes are separate from each other on the base by a distance of at least half an inch (12.7 millimeters). The maximum total weight for any multiple tube device shall not exceed five hundred grams of pyrotechnic composition.

(4) Any component of any device enumerated as permissible fireworks in this Subsection that is designed to produce an audible effect other than a whistle shall not contain pyrotechnic composition in excess of two grains in weight, excluding propelling or expelling charges and no charge shall exceed one hundred thirty milligrams of explosive composition per report.

B. Any person who violates the provisions of this Section for the first time shall be fined two hundred fifty dollars by the fire marshal. For a second violation, the fire marshal shall fine the violator five hundred dollars. For a third violation within a thirty-six-month period, the fire marshal shall impose a penalty of no less than one thousand dollars and shall suspend or revoke the permit of the violator. Any permit suspended or revoked for a third violation shall not be renewed or reissued for a period of twenty-four months, and any person whose name appears on a permit which has been suspended or revoked shall not be allowed to apply for a new permit for a period of twenty-four months. Any person sanctioned for violating the provisions of this Section shall be entitled to reasonable notice and a hearing in accordance with the Administrative Procedure Act.

C. The provisions of this Section shall not apply to fireworks possessed, stored, or warehoused within the state of Louisiana for distribution and sale outside of the state of Louisiana.

Acts 1958, No. 63, §1. Amended by Acts 1960, No. 424, §1; Acts 1981, No. 928, §1; Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001.

#### **§651.1. Possession, sale or use of certain fireworks prohibited**

A. The provisions of R.S. 51:651 shall not be construed to authorize the possession, sale, use, or shipment into the state of the types of fireworks which are specifically prohibited by this Section.

B. It is unlawful for any person in the state of Louisiana to possess, sell, or use for any purpose whatsoever any of the following items of commercial fireworks: cherry bombs, tubular salutes, two-inch American-made salutes, firecrackers with casings the external dimensions of which exceed one and one-half inches in length or one-quarter of an inch in diameter, repeating bombs, aerial bombs, torpedoes which exceed three-eighths of an inch in diameter, Roman candles larger than ten ball, and sky rockets larger than six ounces. It is also unlawful for any person to ship into the state of Louisiana any of the above mentioned items for any purpose whatsoever.

C. The items of commercial fireworks enumerated in this Section shall not be considered as public display fireworks within the meaning of R.S. 51:655.

D. Whoever violates this Section shall, upon conviction, be fined not more than one thousand dollars or imprisoned, with or without hard labor, for not more than two years, or both.

Added by Acts 1962, No. 456, §1. Acts 1984, No. 918, §1, eff. July 20, 1984.

#### **§652. Proper naming; certification on shipping cases; time for selling; exceptions; sale and storage in homes prohibited**

A. No permissible articles of consumer fireworks enumerated in R.S. 51:651 shall be sold, offered for sale, or used in the state of Louisiana, unless it shall be properly named to conform to

the nomenclature of R.S. 51:651 and unless it is certified on all shipping cases and by imprinting on the article or retail container "United States Department of Transportation UN 0336, 1.4G, 1.4S or consumer fireworks". Such imprint shall be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

B. Permissible items of fireworks, enumerated in R.S. 51:651 may be sold at retail from noon June twenty-fifth through midnight July fifth and noon December fifteenth through midnight January first of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds, and the sale and use of which shall be permitted at all times.

C. Fireworks shall not be sold or stored for future sale at any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by any person or persons.

Acts 1958, No. 63, §§2, 3; Amended by Acts 1981, No. 928, §1; Acts 1987, No. 401, §1, eff. Jan. 1, 1988; Acts 2001, No. 667, §1, eff. June 25, 2001.

### **§653. Storing and displaying of fireworks**

A. The placing, storing, locating or displaying of fireworks in any place where the sun may shine through glass, which is not tinted, onto the fireworks is prohibited. The presence of lighted cigars, cigarettes, or pipes within ten feet of where the fireworks are offered for sale is prohibited. At all places where fireworks are stored or sold there shall be signs posted with the words "Fireworks ..... No Smoking" in letters not less than four inches high.

B. The physical facility such as a fireworks stand, retail fast food outlet, or any other similar facility where fireworks are sold, offered for sale, or stored shall be located not less than fifty feet from any facility or mechanism where inflammable liquids are dispensed or stored above ground or where paint, oil, varnish, resin, turpentine, or other inflammable substances which may generate inflammable vapors are used, stored, or sold. No fireworks shall be exploded within seventy-five feet of any facility or mechanism where inflammable liquids are dispensed or stored above ground or within seventy-five feet of any location where fireworks are stored, sold, or offered for sale.

C. No open flame heating devices shall be permitted in any location where fireworks are sold at retail.

D. No sleeping shall be permitted in a facility where fireworks are sold, offered for sale, or stored.

E. There shall be a minimum of one unobstructed exit in any place where fireworks are sold at retail or offered for sale at retail or stored.

F. In any retail outlet except those that sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within ten feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.

G. A facility for the sale at retail or storage of fireworks shall be located not less than twenty-five feet from a public roadway and shall not in any case be located on any public right of way.

H. The wiring in any facility for the sale at retail or storage of fireworks shall be in

compliance with the National Electrical Code.

I. Any facility for the sale at retail or storage of fireworks shall have available one serviceable fire extinguisher in accordance with the regulation of the National Fire Protection Association and Louisiana Administrative Code 17-4:21.

Acts 1958, No. 63, §4. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001.

**§654. Sales to children under fifteen or to intoxicated or irresponsible persons prohibited; unlawful discharge; minimum age for employee; penalties**

A. No person shall offer to sell or sell fireworks to a child known to be under the age of fifteen years or to any person known to be intoxicated or any person known to be irresponsible.

B. No person shall explode or ignite fireworks within one thousand feet of any church, hospital, asylum, school, public building, or fireworks retail location.

C. No person shall ignite or discharge fireworks in a motor vehicle or throw fireworks from a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

D. No person shall place an ignited article of fireworks in or throw an ignited article of fireworks at a motor vehicle. Whoever violates this Subsection shall be fined five hundred dollars or imprisoned for not more than six months, or both.

E. No minor under the age of seventeen shall be employed in a facility where fireworks are sold at retail without complying with the regulations of the Louisiana Department of Labor. The minor shall be subject to the restrictions placed on the number of hours of employment permitted minors by the Louisiana Department of Labor.

Acts 1958, No. 63, §5. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1992, No. 447, §4; Acts 2001, No. 667, §1, eff. June 25, 2001.

**§655. Fireworks for public displays; permits; fee; adoption of rules and regulations**

A. Nothing in this Part shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Fireworks which are to be used for public display only and which are otherwise prohibited for retail sale and use within the state shall include all items of fireworks designated by the regulations of the United States Department of Transportation as class "UN0335, 1.3G Display Fireworks" and shall consist of any items not enumerated and classified as permissible in R.S. 51:651. Fireworks that are to be used for public display only must at all times be kept in the possession of those responsible and be stored in an appropriate storage in accordance with the regulations of the National Fire Protection Association, Pamphlet 44A, 1983, or any subsequent amended editions thereof that are adopted by the state fire marshal. Fireworks that are to be used for public display must be confined to that use only.

B.(1) A person, firm, corporation, or other legal entity desiring a permit for a public display may either apply to the office of state fire marshal or to a certified local authority certified under the provisions of R.S. 40:1563, which application shall be received by either the state fire marshal or the certified local authority at least five days prior to the event. The application shall contain the following information in the form of an affidavit sworn to and subscribed to before a notary public:

(a) The date, time, and place of the public display including the length of time of the display.

(b) All fire prevention plans and provisions that will be in force and all fire prevention personnel and equipment available to assure safety of the public attending the public display.

(c) A copy of the permit issued by the office of state fire marshal to the distributor who will be supplying or conducting the public display to assure the state fire marshal or his certified local authority that the fireworks and the actual presentation and conduct of the public display will not endanger the public safety.

(2) The fee for application for a permit for a public display shall be ten dollars and shall be used to offset the cost of processing the permit request.

C. No person, firm, or corporation supplying fireworks for public display shall ship, sell, possess, or use fireworks designed for public display unless the supplier has obtained a distributor's permit as provided in R.S. 51:656. No person, firm, or corporation holding a permit for a public display may obtain fireworks for use in any public display from any person, firm, or corporation that has not obtained a distributor's permit as provided in R.S. 51:656.

D. The state fire marshal is authorized to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to ensure that the supplier of the fireworks and the holder of a public display permit will adequately protect the public safety.

Acts 1958, No. 63, §6. Amended by Acts 1981, No. 928, §1. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 2001, No. 667, §1, eff. June 25, 2001.

#### **§656. Permit to sell fireworks; application; fees; permit numbers**

A. It shall be unlawful to sell, construct, or manufacture any items of fireworks without first obtaining a permit therefor to be issued by the state fire marshal.

B.(1) Prior to engaging in the sale of fireworks, an applicant shall submit to the state fire marshal an application on a form provided by the state fire marshal on or before April first of each year setting forth any facts and information as the state fire marshal may determine necessary and proper considering the requirements of public health, safety, and welfare. Prior to obtaining and in order to maintain a permit, the facilities of the permittee shall comply with the applicable provisions of the Life Safety Code and subsequent referenced standards as adopted by the state fire marshal under the requirements of R.S. 40:1578.6.

(2) The retail permit shall be effective for purchases of wholesale fireworks, and the permit shall be effective from the date of issuance through midnight December thirty-first of the applicable year. No retailer's permit shall be issued under this Part from June twenty-fifth through July fifth nor from December fifteenth through January first of each year. All other permits issued under the provisions of this Section shall be valid from the date issued through midnight April first of the ensuing permit year. All applications filed after April first shall be assessed a late fee equal to the amount of the permit required by this Section.

C.(1) The applicant shall pay a permit fee for each type of business conducted and for each location at which the business is conducted, according to the following schedule:

(a) Manufacturer	\$ 10,000.00
(b) Assembler	\$ 1,000.00
(c) Distributor	\$ 2,000.00
(d) Importer	\$ 500.00
(e) Jobber	\$ 250.00

(f) Retailer \$ 100.00

(2) Permit fees are due at the time of application to the state fire marshal and shall be used to pay for the cost of processing the application. Permit fees are not refundable if the application is denied.

(3) The retailer's permit fee imposed under Paragraph (1) of this Subsection shall be used to pay the costs of processing the application and inspecting the retail premises by the office of state fire marshal, code enforcement and building safety.

D. The state fire marshal shall assign a permit number to each permit issued. The person to whom the permit is issued shall affix this number to all invoices issued or used by each manufacturer, assembler, distributor, importer, jobber, and retailer.

E. It shall be unlawful for a jobber or retailer who holds a permit issued under this Part to purchase fireworks from a distributor domiciled outside the state of Louisiana unless that distributor can show proof that he holds a valid permit issued under this Part to perform the functions of a distributor and importer. If the distributor does not hold a valid permit then the jobber or retailer shall become liable for the permit and shall immediately purchase a permit from the office of state fire marshal.

Added by Acts 1958, No. 63, §8; Amended by Acts 1960, No. 424, §2. Acts 1983, 1st Ex. Sess., No. 33, §5, eff. Jan. 19, 1983; Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1987, No. 401, §1, eff. Jan. 1, 1988; Acts 1991, No. 589, §1; Acts 1991, No. 614, §1; Acts 2001, No. 667, §1, eff. June 25, 2001.

#### **§657. Persons and uses excepted**

Nothing in this Part shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

Acts 1958, No. 63, §9. Amended by Acts 1962, No. 456, §3658. Penalties

A.(1) No manufacturer, assembler, distributor, importer, jobber, or retailer shall operate within the state of Louisiana without proper permit.

(2) A person found operating within the state of Louisiana without a proper permit shall immediately cease the sale of fireworks upon the lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official until such time as an application for permit has been made to the state fire marshal as required in R.S. 51:656 and subsequently granted.

(3) The refusal of any person to cease sales and obtain a permit or the failure of any person to comply with a lawful order of the state fire marshal, a certified local authority of the fire marshal, or any local law enforcement official, may be cause for the seizure of any merchandise and equipment of the person found in violation at any physical location. Those items seized shall be retained until otherwise directed by a court of competent jurisdiction. If the state fire marshal, a certified local authority of the fire marshal, or a local law enforcement official is not otherwise ordered by a court of competent jurisdiction within ninety days of the date of seizure to return the items seized, then the state fire marshal, certified local authority, or local law enforcement official may destroy or dispose of the seized items in such a manner which, in their discretion, they deem suitable in order to protect the public safety.

B. A person who violates any provision of this Part, with the exception of the penalties

specifically imposed herein, shall upon conviction be subject to a fine of not more than one thousand dollars or imprisonment for not more than six months, or both. Each day's violation constitutes a separate offense and may be punished as such at the discretion of the court. Each separate physical location in violation of this Part also constitutes a separate offense and may be punished as such at the discretion of the court.

Acts 1958, No. 63, §10; Amended by Acts 1962, No. 456, §2. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1987, No. 401, §1, eff. Jan. 1, 1988.

**§659. Local licensing by parish or municipality**

The governing authority of a parish or municipality is authorized to require and issue local licenses to retailers, similar to permits issued by the state fire marshal, and may charge and collect fees not in excess of the fees authorized for collection by the state fire marshal pursuant to this Part. However, any parish or municipality which on January 1, 1984, was charging a fee in excess of the fee authorized by this Section shall be permitted to continue to charge and collect such fee.

Acts 1958, No. 63, §11. Acts 1984, No. 918, §1, eff. July 20, 1984; Acts 1985, No. 612, §1, eff. July 16, 1985.

**§660. Local governing authorities; regulation or prohibition of sale, use, and possession of pyrotechnics or fireworks**

The governing authority of a parish or municipality is hereby authorized to regulate or prohibit the sale, use, and possession of pyrotechnics commonly known as fireworks in conformity with the provisions of this Part.

Added by Acts 1981, No. 98, §3, eff. July 1, 1981. Acts 1984, No. 918, §1, eff. July 20, 1984.