

Title 55
PUBLIC SAFETY
Part V. Fire Protection

Chapter 1. Preliminary Provisions

§101. Request for Rule Change

Anyone petitioning the assistant secretary of the Department of Public Safety, Office of the State Fire Marshal, commonly known as the Louisiana State Fire Marshal, for the adoption of, or change of, any rule shall submit in writing to the fire marshal at 5150 Florida Boulevard, Baton Rouge, Louisiana 70806, an application containing the following basic information organized and captioned:

1. the name, address, and telephone number of the applicant. If the applicant is not the owner, the application must contain the owner's written statement giving the applicant authority to file the appeal on the owner's behalf. This written authorization shall include a certification that the individual, partnership, or corporation identified as the owner is, in fact, the owner of the property in question and that the owner is familiar with the basis and the facts upon which the appeal is made. The mailing address and telephone number of the owner must be included in the written authorization. The singular utilized herein refers as well to the plural;

2. a brief description of the facts supporting the applicant's request for the adoption of a rule or the change of a rule that has already been adopted;

3. suggested specific language or language setting forth the substance of the rule or rule change which is being requested;

4. an indication as to whether or not a public hearing is requested;

5. a copy of each and every document upon which the applicant bases his request for a rule or a citation of the information and where it can be easily obtained for review by this office;

a. whenever the fire marshal determines that a public hearing or public hearings should be held prior to the adoption of any rule or rule change, a notice of the meeting date and place and the agenda will be recorded in the *Louisiana Register*; however, whenever that is not possible, a copy of the meeting notice including the date, time, and place, and agenda of the meeting will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any city or town in which the public hearing is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of the adoption of or change of any rule;

b. within 90 days of the request for adoption of or change of a rule, the fire marshal will notify the applicant and each individual who request a copy of either his denial of the application or notice of intent to adopt the requested rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:465 (November 1978), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 6:71 (February 1980), LR 23:1688 (December 1997).

§103. General Provisions

A. It shall be the policy of the state fire marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative rulings by the state fire marshal, that the *National Fire Codes* published by the National Fire Protection Association and the *Standard Building Code* shall be used as the references and standards for determinations by the state fire marshal, as follows:

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| NFPA 10 | 1994 Edition | Standard for Portable Fire Extinguishers |
| NFPA 10R | 1992 Edition | Recommended Practice for Portable Fire Extinguishing Equipment in Family Dwellings and Living Units |
| NFPA 11 | 1994 Edition | Standard for Low-Expansion Foam |
| NFPA 12 | 1993 Edition | Standard on Carbon Dioxide Extinguishing Systems |
| NFPA 12A | 1992 Edition | Standard on Halon 1301 Fire Extinguishing Systems |
| NFPA 13 | 1996 Edition | Standard for the Installation of Sprinkler Systems |
| NFPA 13D | 1996 Edition | Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes |
| NFPA 13R | 1996 Edition | Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories |
| NFPA 14 | 1996 Edition | Standard for the Installation of Standpipe and Hose Systems |
| NFPA 15 | 1996 Edition | Standard for Water Spray Fixed Systems for Fire Protection |
| NFPA 16 | 1995 Edition | Standard for the Installation of Deluge Foam-Water Sprinkler Systems |
| NFPA 16A | 1994 Edition | Standard for the Installation of Closed-Head Foam-Water Sprinkler Systems |

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| NFPA 17 | 1994 Edition | Standard for Dry Chemical Extinguishing Systems |
| NFPA 17A | 1994 Edition | Standard for Wet Chemical Extinguishing Systems |
| NFPA 18 | 1995 Edition | Standard on Wetting Agents |
| NFPA 20 | 1996 Edition | Standard for the Installation of Centrifugal Fire Pumps |
| NFPA 24 | 1995 Edition | Standard for the Installation of Private Fire Service Mains and Their Appurtenances |
| NFPA 25 | 1995 Edition | Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems |
| NFPA 30 | 1996 Edition | Flammable and Combustible Liquids Code |
| NFPA 30A | 1996 Edition | Automotive and Marine Service Station Code |
| NFPA 30B | 1994 Edition | Code for the Manufacture and Storage of Aerosol Products |
| NFPA 31 | 1994 Edition | Standard for the Installation of Oil-Burning Equipment |
| NFPA 32 | 1996 Edition | Standard for Dry-Cleaning Plants |
| NFPA 33 | 1995 Edition | Standard for Spray Application Using Flammable or Combustible Materials |
| NFPA 34 | 1995 Edition | Standard for Dipping and Coating Processed Using Flammable or Combustible Liquids |
| NFPA 37 | 1994 Edition | Standard for the Installation and Use of Stationary Combustion Engines And Gas Turbines |
| NFPA 40E | 1993 Edition | Code for the Storage of Pyroxylin Plastic |
| NFPA 43B | 1993 Edition | Code for the Storage of Organic Peroxide Formulations |
| NFPA 43D | 1994 Edition | Code for the Storage of Pesticides |
| NFPA 45 | 1996 Edition | Standard on Fire Protection for Laboratories Using Chemicals |
| NFPA 49 | 1994 Edition | Hazardous Chemicals Data |
| NFPA 50 | 1996 Edition | Standard for Bulk Oxygen Systems at Consumer Sites |
| NFPA 50A | 1994 Edition | Standard for Gaseous Hydrogen Systems at Consumer Sites |
| NFPA 50B | 1994 Edition | Standard for Liquefied Hydrogen Systems at Consumer Sites |
| NFPA 51 | 1997 Edition | Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes |
| NFPA 52 | 1995 Edition | Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems |
| NFPA 53 | 1994 Edition | Guide on Fire Hazards in Oxygen-Enriched Atmospheres |

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| NFPA 54 | 1996 Edition | National Fuel Gas Code ANSI Z223.1-1996 |
| NFPA 55 | 1993 Edition | Standard for the Storage, Use, and Handling of Compressed and Liquefied Gases in Portable Cylinders |
| NFPA 57 | 1996 Edition | Standard for Liquefied Natural Gas (LNG) Vehicular Fuel Systems |
| NFPA 58 | 1995 Edition | Standard for the Storage and Handling of Liquefied Petroleum Gases |
| NFPA 59A | 1996 Edition | Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) |
| NFPA 61 | 1995 Edition | Standard for the Prevention of Fires and Dust Explosion in Agricultural and Food Products Facilities |
| NFPA 68 | 1994 Edition | Guide for Venting of Deflagrations |
| NFPA 69 | 1997 Edition | Standard on Explosion Prevention Systems |
| NFPA 70 | 1996 Edition | National Electrical Code |
| NFPA 72 | 1996 Edition | National Fire Alarm Code |
| NFPA 75 | 1995 Edition | Standard for the Protection of Electronic Computer/Data Processing Equipment |
| NFPA 80 | 1995 Edition | Standard for Fire Doors and Fire Windows |
| NFPA 82 | 1994 Edition | Standard on Incinerators and Waste and Linen Handling Systems and Equipment |
| NFPA 88A | 1995 Edition | Standard for Parking Structures |
| NFPA 88B | 1991 Edition | Standard for Repair Garages |
| NFPA 90A | 1996 Edition | Standard for the Installation of Air Conditioning and Ventilating Systems |
| NFPA 90B | 1996 Edition | Standard for the Installation of Warm Air Heating and Air Conditioning Systems |
| NFPA 92A | 1996 Edition | Recommended Practice for Smoke-Control Systems |
| NFPA 92B | 1995 Edition | Guide for Smoke Management Systems in Malls, Atria, and Large Areas |
| NFPA 96 | 1994 Edition | Standard for Ventilation Control and Fire Protection of Commercial Cooking Operation |
| NFPA 97 | 1996 Edition | Standard Glossary of Terms Relating to Chimneys, Vents, and Heat-Producing Appliances |
| NFPA 99 | 1996 Edition | Standard for Health Care Facilities |
| NFPA 99B | 1996 Edition | Standard for Hypobaric Facilities |
| NFPA 101 | 1997 Edition | Code for Safety to Life from Fire in Buildings and Structures |
| NFPA 101A | 1995 Edition | Guide on Alternative Approaches to Life Safety |
| NFPA 102 | 1995 Edition | Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures |

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| NFPA 105 | 1993 Edition | Recommended Practice for the Installation of Smoke-Control Door Assemblies |
| NFPA 110 | 1996 Edition | Standard for Emergency and Standby Power Systems |
| NFPA 111 | 1996 Edition | Standard on Stored Electrical Energy Emergency and Standby Power Systems |
| NFPA 150 | 1995 Edition | Standard on Fire Safety in Racetrack Stables |
| NFPA 170 | 1996 Edition | Standard for Fire Safety Symbols |
| NFPA 204M | 1991 Edition | Guide for Smoke and Heat Venting |
| NFPA 211 | 1996 Edition | Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances |
| NFPA 220 | 1995 Edition | Standard on Types of Building Construction |
| NFPA 221 | 1994 Edition | Standard for Fire Walls and Fire Barrier Walls |
| NFPA 231 | 1995 Edition | Standard for General Storage |
| NFPA 231C | 1995 Edition | Standard for Rack Storage of Materials |
| NFPA 231D | 1994 Edition | Standard for Storage of Rubber Tires |
| NFPA 231E | 1996 Edition | Recommended Practice for the Storage of Baled Cotton |
| NFPA 231F | 1996 Edition | Standard for the Storage of Roll Paper |
| NFPA 232 | 1995 Edition | Standard for the Protection of Records |
| NFPA 303 | 1995 Edition | Fire Protection Standard for Marinas and Boatyards |
| NFPA 307 | 1995 Edition | Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves |
| NFPA 407 | 1996 Edition | Standard for Aircraft Fuel Servicing |
| NFPA 409 | 1995 Edition | Standard on Aircraft Hangars |
| NFPA 415 | 1997 Edition | Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways |
| NFPA 418 | 1995 Edition | Standard for Heliports |
| NFPA 430 | 1995 Edition | Code for the Storage of Liquid and Solid Oxidizers |
| NFPA 490 | 1993 Edition | Code for the Storage of Ammonium Nitrate |
| NFPA 491M | 1991 Edition | Manual of Hazardous Chemical Reactions |
| NFPA 495 | 1996 Edition | Explosive Materials Code |
| NFPA 496 | 1993 Edition | Standard for Purged and Pressurized Enclosures for Electrical Equipment |
| NFPA 513 | 1994 Edition | Standard for Motor Freight Terminals |
| NFPA 701 | 1996 Edition | Standard Methods of Fire Tests for Flame-Resistant Textiles and Films |

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| NFPA 703 | 1995 Edition | Standard for Fire Retardant Impregnated Wood and Fire Retardant Coating for Building Materials |
| NFPA 704 | 1996 Edition | Standard System for the Identification of the Hazards of Materials for Emergency Response |
| NFPA 705 | 1993 Edition | Recommended Practice for a Field Flame Test for Textiles and Films |
| NFPA 750 | 1996 Edition | Standard on Water Mist Fire Protection Systems |
| NFPA 801 | 1995 Edition | Standard for Facilities Handling Radioactive Materials |
| NFPA 901 | 1995 Edition | Standard Classifications for Incident Reporting and Fire Protection Data |
| NFPA 902 | 1997 Edition | Fire Reporting Field Incident Guide |
| NFPA 903 | 1996 Edition | Fire Reporting Property Survey Guide |
| NFPA 904 | 1996 Edition | Incident Follow-Up Report Guide |
| NFPA 906 | 1993 Edition | Guide for Fire Incident Field Notes |
| NFPA 1123 | 1995 Edition | Code for Fireworks Display |
| NFPA 1124 | 1995 Edition | Code for the Manufacture, Transportation, and Storage of Fireworks |
| NFPA 1126 | 1996 Edition | Standard for the Use of Pyrotechnics Before a Proximate Audience |
| NFPA 1221 | 1994 Edition | Standard for the Installation, Maintenance, and Use of Public Fire Service Communication Systems |
| NFPA 1402 | 1997 Edition | Guide to Building Fire Service Training Centers |
| NFPA 1403 | 1997 Edition | Standard on Live Fire Training Evolutions |
| NFPA 2001 | 1996 Edition | Standard on Clean Agent Fire Extinguishing Systems |
| NFPA 8501 | 1992 Edition | Standard for Single Burner Boiler Operation |
| NFPA 8502 | 1995 Edition | Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers |
| NFPA 8506 | 1995 Edition | Standard on Heat Recovery Steam Generator Systems |

B. All inspections of buildings constructed or remodeled pursuant to plans submitted to the Office of the State Fire Marshal after May 31, 1998, will be made utilizing new construction requirements set forth in the 1997 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 412—Special Provisions for High-Rise Buildings published in the 1994 Edition of the *Standard Building Code* of the Southern Building Code Congress International, Inc.

C. All inspections of buildings constructed or remodeled pursuant to plans submitted to the Office of the State Fire

Marshal on or after January 5, 1995, will be made utilizing new construction requirements set forth in the 1994 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 506—Special Provisions for High-Rise Buildings published by the 1991 Edition of the *Standard Building Code* of the Southern Building Code Congress International, Inc.

D. All inspections of buildings constructed or remodeled pursuant to plans submitted to the Office of the State Fire Marshal after May 31, 1992, will be made utilizing new construction requirements set forth in the 1991 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 506—Special Provisions for High-Rise Buildings published by the 1988 Edition of the *Standard Building Code* of the Southern Building Code Congress International, Inc.

E. With regard to buildings constructed or remodeled between February 19, 1989, and May 31, 1992, or whose construction was timely completed pursuant to plans submitted to the Office of the State Fire Marshal prior to May 31, 1992, inspections will be made utilizing the new construction requirements set forth in the 1988 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 506—Special Provisions for High-Rise Buildings published by the *Standard Building Code* of the Southern Building Code Congress International, Inc. (1985 Edition).

F. All inspections of buildings constructed or remodeled between September 1, 1986, and February 19, 1989, will be made utilizing the requirements set forth in the 1985 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 518—Special Provisions for High Rise of Chapter 4 of the 1985 Edition of the *Southern Building Code* Congress International, Inc.

G. All inspections of buildings constructed or remodeled between September 1, 1981, and September 1, 1986, will be made utilizing the requirements set forth in the 1981 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 506—Special Provisions for High-Rise Buildings published by the *Standard Building Code* (1979 Edition) of the Southern Building Code Congress International, Inc.

H. All inspections of buildings constructed or remodeled between January 1, 1980, and September 1, 1981, will be made utilizing the requirements set forth in the 1976 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 518—Special Provision for High-Rise of Chapter 4 of the 1974 amendments to the 1973 *Standard Building Code*.

I. With regard to buildings constructed or remodeled between January 1, 1975 and January 1, 1980, inspections of those buildings will be made on the basis of requirements that the buildings meet the minimum requirements set forth in the 1973 Edition of the *Life Safety Code* of the National Fire Protection Association and Section 518—Special Provision for High Rise of Chapter 4 of the 1974 amendments to the 1973

Southern Standard Building Code.

J. With regard to buildings constructed or remodeled prior to January 1, 1975, inspections by the Office of the State Fire Marshal shall be made utilizing the requirements set forth in the 1967 Edition of the *Life Safety Code* of the National Fire Protection Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:145 (February 1975), amended LR 5:468 (December 1979), LR 6:71 (February 1980), amended by the Office of the State Fire Marshal, LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:96 (February 1989), LR 17:1114 (November 1991), LR 23:1688 (December 1997).

§105. Required Inspections of Wiring, Gas Piping and Fire Extinguishers

A. In order to assure that the electrical wiring in any structure or movable will not cause a fire or explosion, the electrical wiring in any structure, watercraft or movable shall be inspected and, if necessary, repaired by a licensed electrical contractor in accordance with the *National Electrical Code*.

B. In order to assure that any structure, watercraft or movable is safe from hazards caused by gas piping, all gas piping shall be inspected and, if necessary, repaired by a licensed plumber or mechanical contractor in accordance with the applicable *National Fuel Gas Code* of the National Fire Protection Association and the provisions of the Louisiana Revised Statutes.

C. The inspections required by this regulation for electrical wiring and gas piping shall be made at the time of the initial installation and thereafter as required based upon a visual inspection by the fire marshal or his designated representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:145 (March 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1691 (December 1997).

§107. Smoke and Fire Detection Systems

Educational Occupancies

1. In those educational facilities for which plans were reviewed prior to January 1, 1982, and in which deficiencies have been noted because of inadequate corridor separation, lack of smoke barriers, and lack of sprinkler protection in windowless classroom buildings, the state fire marshal will accept as equivalent compliance to the aforementioned requirements installation of a complete smoke detection system in the corridors and hazardous areas. This system must be capable of/and properly connected to sound the general fire alarm and shut down all central air handling systems.

2. Within 45 days after service on the owner and/or operator of an inspection report and order of correction citing the deficiencies listed therein, the owner and/or operator of the school must submit to the fire marshal a proposed plan of correction in accordance with §107.A.1. The accepted plan of correction then must be completed within the time specified by the fire marshal which shall not exceed 48 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:236 (May 1982), amended LR 8:523 (October 1982), LR 8:625 (November 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1691 (December 1997).

Chapter 3. Buildings

§301. Building Permits

A. In accordance with the requirements set forth in R.S. 40:1574 that plans and specifications for any and all buildings to be constructed in the state must first be submitted to the Office of the State Fire Marshal for review before construction, renovation, remodeling, or repair, no governmental subdivision in the state of Louisiana shall issue any building permit until the plans and specifications, therefore, have been approved by the Office of the State Fire Marshal.

B. Accordingly, with the application for a building permit from any governmental subdivision of this state, a copy of the approval of the plans and specifications for which the building permit is being requested shall be attached to the application. This ruling shall not apply to one and two family dwellings.

C. Plans and specifications submitted in violation of R.S. 37:155(4) will be rejected by the Office of the State Fire Marshal and deemed to be NOT IN COMPLIANCE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:465 (November 1978), repromulgated LR 6:72 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:1135 (December 1989), LR 16:320 (April 1990), LR 23:1691 (December 1997).

§303. Plans and Specifications for New Buildings

A. As of May 31, 1998, the plans and specifications for every structure built or remodeled in the state of Louisiana must be drawn in accordance with the requirements of the 1997 Edition of the *Life and Safety Code* of the National Fire Protection Association and, for all high-rise buildings, Section 506—Special Provisions for High-Rise Buildings of the *Standard Building Code* (1994 Edition) of Southern Standard Building Code Congress International, Inc.

B. NFPA 101 *Life Safety Code* requiring partitions for sleeping quarters shall not apply to any day care centers which operate only during daylight hours. Ratios of children to

supervisors are set and enforced by the Department of Social Services, Division of Family Services.

C. All unsprinkled apartments, condominiums or townhouses within multiple dwellings shall be separated from one another by construction having a fire resistance rating of not less than one hour as required by the *Standard Building Code*.

D. Portable fire extinguishers shall be required in all occupancies. The location, maintenance, and installation shall be in accordance with NFPA Pamphlet Number 10.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:143 (February 1975), amended LR 5:468 (December 1979), LR 6:72 (February 1980), amended by the Office of the State Fire Marshal, LR 7:344 (July 1981), LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 12:116 (February 1986), LR 15:96 (February 1989), LR 17:1115 (November 1991), LR 23:1692 (December 1997).

§305. Insulation

The state fire marshal will accept and permit the use of insulation as permitted by the 1994 Edition of the *Standard Building Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:389 (October 1978), LR 6:72 (February 1980), LR 6:149 (April 1980), amended by the Office of the State Fire Marshal, LR 8:485 (September 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1692 (December 1997).

§307. Observation of Construction; Final Inspection

A. For a structure which by law may only be constructed with plans prepared and certified by a licensed architect or civil engineer, it shall be the duty of the owner of such a structure to provide for periodic observation of the construction of the structure to determine if the work is proceeding in accordance with the plans and specifications as approved by the fire marshal. The observations shall be performed by a registered architect or a registered civil engineer.

B. Upon completion of such work, where the law requires the owner to engage an architect or registered civil engineer, the owner shall furnish to the fire marshal a certificate signed by a registered architect or registered civil engineer stating that the periodic observations have been made and that to the best of the architect's or engineer's knowledge, information and belief, the work was completed in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the fire marshal. When the owner has not engaged an architect or registered civil engineer, and the same is not required by law, the owner

must submit the certificate of completion when appropriate, but always under his signature.

C. Occupancy of a structure, watercraft or movable prior to furnishing a certificate to the fire marshal as required under this regulation is expressly forbidden by the fire marshal, unless and until a satisfactory inspection has been made by the fire marshal or his certified representative.

D. In order to comply with the requirements of §307.B, the owner must submit to the fire marshal the following certificate completed by the architect, civil engineer, or, if neither is required by law, the owner:

CERTIFICATE OF COMPLETION

Date:

TO: The Louisiana State Fire Marshal
5150 Florida Boulevard
Baton Rouge, Louisiana 70806

This is to certify that the _____
(name of project by title)

for _____ located at _____
(type of use) (street/number/name)

as periodically observed by me, by my consultants, and/or by others in my employ during construction and, to the best of my knowledge, information and belief, has been completed in accordance with the safety provisions which were shown in the plans and specifications previously approved by the fire marshal.

Under penalty of law for false statement,

I _____ License Number: _____
(name of architect/civil engineer
or owner if architect or engineer
is not required)

certify that all statements contained therein are, to the best of my knowledge, information and belief, true and correct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651 B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 3:498 (December 1977), repromulgated LR 6:73 (February 1980), amended by the Office of the State Fire Marshal, LR 8:523 (October 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1692 (December 1997).

§309. Requirements for Connection of Electrical Power

A. The installation and/or use of temporary or permanent electrical power in new construction shall be prohibited until plans and specifications for every structure built in the state of Louisiana are reviewed by the Office of the State Fire Marshal pursuant to R.S. 40:1574 and LAC 55:V.303.

B. Utility companies can comply with §309.A by providing the Office of the State Fire Marshal with a list of all new construction structures provided with temporary or permanent power within 30 days of electrical connection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 17:272 (March 1991), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1692 (December 1997).

Chapter 5. Mobil Homes

Subchapter A. Manufactured Housing

§501. Definitions

In the regulations which follow, unless contract otherwise requires:

Act—the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974 (42 U.S.C. 01 et seq.).

Add-On—any structure (except a structure designed or produced as an integral part of a manufactured home) which, when attached to the basic home unit, increases the area, either living or storage, of the manufactured home.

Alteration—the replacement, addition, modification or removal of any equipment or installation after sale by a manufacturer to a dealer or distributor but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system. It includes any modification made in the home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring connection to an electrical receptacle, where the replacement item is of the same configuration and ratings as the one being replaced. It also does not include an addition of an appliance requiring plug-in to an electrical receptacle, which appliance was not provided with the home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

Certification Label—see *Label*.

Certification Report—the report prepared by the IPIA (see §501.A.Primary Inspection Agency.b) for each manufactured home manufacturing plant under 24 CFR Section 3282-362(b)(2) in which the IPIA provides a complete description of the initial comprehensive inspection of the plant; an evaluation of the quality assurance program under the approved quality assurance manual; and the identity of the DAPIA (See §501.A.Primary Inspection Agency.a) which approved the designs and quality assurance manual used in the plant. Where appropriate under 24 CFR Section 3282-362(b)(5), the certification report may be made by a DAPIA.

Component—any part, material or appliance which is built in as an integral part of the manufactured home during the manufacturing process.

Cost Information—information submitted by a manufacturer under Section 607 of the Act with respect to alleged cost increases resulting from action by the secretary, in such form as to permit the public and the secretary to make an informed judgment on the validity of the manufacturer's statements. Such terms include both the manufacturer's cost and the cost to retail purchasers.

Date of Manufacture—the date on which the label required by 24 CFR Section 3282-205(c) is affixed to the home.

Dealer—any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease home for purposes other than resale.

Defect—a failure to comply with an applicable federal manufactured housing safety and construction standard that renders the home or any part or component thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home. See related definitions of *Imminent Safety Hazard*, *Noncompliance*, and *Serious Defect*.

Design—drawings, specifications, sketches and the related engineering calculations, test and data in support of the configurations, structures and systems to be incorporated in homes manufactured in a plant.

Director—the director of the United States Office of Manufactured Housing and Construction Standards.

Distributor—any person engaged in the sale and distribution of manufactured housing for resale.

Failure to Conform—an imminent safety hazard related to the standards, a serious defect, or noncompliance and is used as a substitute for any of those terms.

HUD—the United States Department of Housing and Urban Development.

Imminent Safety Hazard—a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured housing construction or safety standard. See related definitions of *Defect*, *Noncompliance*, and *Serious Defect*.

Joint Monitoring Team—a monitoring inspection team composed of personnel provided by the various state administrative agencies, or its contract agent, operating under a contract with HUD for the purpose of monitoring or otherwise aiding in the enforcement of the federal standards.

Label or Certification Label—the approved form of certification by the manufacturer that, under 24 CFR Section 3282-362(c)(2)(i), is permanently affixed to each transportable section of each home manufactured for sale to a purchaser in the United States.

Manufactured Housing—a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width; or 40 body feet or more in length; or, when erected on site, 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all

the requirements of this Chapter 5, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the United States Department of Housing and Urban Development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.

Manufactured Housing Construction—all activities relating to the assembly and manufacture of a manufactured home, including, but not limited to, those relating to durability, quality, and safety.

Manufactured Housing Safety—the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of such home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

Manufacturer—any person engaged in manufacturing or assembling manufactured housing, including any person engaged in importing homes for resale.

Noncompliance—a failure of a home to comply with a federal manufactured housing construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard. (See related definition of *Defect*, *Imminent Safety Hazard*, and *Serious Defect*.)

Owner—any person purchasing a home from any other person after the first purchase of the home, in good faith, for purposes other than resale.

Primary Inspection Agency (PIA)—a state/or private organization that has been accepted by the secretary in accordance with the requirements of Subpart H of the Manufactured Homes and Procedural Regulation. There are two types of PIAs:

- a. Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures; and
- b. Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

Purchaser—the first person purchasing a manufactured home in good faith for purposes other than resale.

Quality Assurance Manual—a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer's quality assurance program; a chart of the organization showing, by position, all personnel accountable for quality assurance; a list of tests and test equipment required; a station-by-station description of the manufacturing process; a list of inspections required at each station; and a list by title of personnel in the manufacturer's organization to be held

responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

Red Tag—to affix a notice to a home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A *red tag* is the notice so affixed to the manufactured home.

Secretary—the secretary of the United States Department of Housing and Urban Development.

Secretary's Agent—a party operating as an independent contractor under a contract with HUD.

Serious Defect—any failure to comply with an applicable federal manufactured housing construction and safety standard that renders the home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected home.

Standards—the federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, Part 280, of these regulations.

State—includes each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

State Administrative Agency (SAA)—an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulations.

State Plan Application—the application of a state organization which is submitted to the secretary for approval as a state administrative agency under Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulation.

System—a set or arrangement of materials or components related or connected as to form an operating entity, e.g., heating, ventilating and air-conditioning systems, and evaporative coolers.

Title I—Title I of the National Housing Act, 12 U.S.C. 1701, which authorizes HUD to insure loans made for the purchase of manufactured homes that are certified as meeting HUD requirements for dwelling quality and safety.

United States District Courts—the federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:16 (January 1982),

amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1693 (December 1997).

§505. Inspections

The Uniform Standards Code for Mobile Homes, R.S. 51:911.32, allows employees and personnel under contract to the state fire marshal to enter, at a reasonable time, any factory, warehouse or establishment in which manufactured houses are manufactured, stored or held for sale, for the purpose of ascertaining whether housing construction and safety standards have been and are being met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:16 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1694 (December 1997).

§507. Handling of Consumer Complaints

All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with Subpart I of the federal regulations established pursuant to the Act.

1. Upon receipt of a consumer complaint or other information indicating the possible existence of a failure to conform or imminent safety hazard, the state fire marshal will review the complaint or information to determine where the home was manufactured and if a problem exists. All complaints shall be referred to the manufacturer or dealer if a problem is indicated. When there is information to indicate that homes with the same failure to conform, or imminent safety hazard may have been manufactured in more than one state, the complaint will simultaneously be forwarded to HUD and the home manufacturer.

2. Where the complaint is forwarded to the manufacturer, the manufacturer will be requested, in writing, to investigate the complaint within 20 days of receipt of the complaint and make a report to the state fire marshal. In the event that it appears from the complaint that an imminent safety hazard exists, the state fire marshal will simultaneously contact the manufacturer by telephone and make its own investigation in addition to forwarding the complaint, in writing, in an effort to expedite investigation and any necessary correction by the manufacturer.

3. Where the manufacturer has determined and reports that no imminent safety hazard, serious defect, defect, or noncompliance exists and the state fire marshal is able to concur from all available information, he will consider the complaint closed and so inform the manufacturer and complainants; however, if the state fire marshal is unable to concur with the manufacturer's report, he will make an investigation and within 10 days of receipt of the manufacturer's report shall inform the manufacturer of the

results of the investigation. If it is found that the manufacturer's report was correct, the state fire marshal will consider the matter closed.

4. Where, upon investigation, the state fire marshal determines that an imminent safety hazard, serious defect, defect or noncompliance may exist, he or his designated representative will notify the manufacturer to take necessary action. Where the manufacturer does not take action after notification by the state fire marshal and it appears that an imminent safety hazard or serious defect may exist, the state fire marshal will inform the manufacturer of its opinion and simultaneously forward to HUD documentation of the factual basis upon which such opinion was made, for administrative determination by HUD, pursuant to 24 CFR Section 3282.407(a). Where the manufacturer does not take action after notification by the state fire marshal, and it appears that a defect or noncompliance may exist, the manufacturer will be notified. The notice shall be sent to the manufacturer by certified mail and will include:

- a. the preliminary determination by the state fire marshal;
- b. the factual basis for the determination;
- c. the date on which the determination was made;
- d. the identifying criteria of the manufactured homes known to be affected;
- e. notice to the manufacturer that a hearing or presentation of views may be requested, pursuant to 24 CFR Part 3282, Subpart D, to establish that there is no such defect or noncompliance;
- f. notice to the manufacturer that the preliminary determination of defect or noncompliance shall become final unless the manufacturer responds within 15 days after receipt of such notice and requests a hearing or presentation of views to rebut the state fire marshal's determination;
- g. notice to the manufacturer that any information upon which the determination has been based, such as test results, records of inspection, etc., shall be available for inspection by the manufacturer.

5. Where the manufacturer requests a hearing or presentation of views, one shall be promptly provided in accordance with the procedures outlined in the Administrative Procedure Act, R.S. 49:950 et seq.

6. Where the manufacturer fails to respond to the notice of preliminary determination or if the state fire marshal's board of review decides that the views and evidence presented by the manufacturer are insufficient to rebut the preliminary determination, the state fire marshal may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 CFR Section 3282.409. Within 10 days after receipt of the notice of final determination, the manufacturer may appeal to the secretary of the United States

Department of Housing and Urban Development.

7. The manufacturer's plan for notification and correction, including contents of notice, time for implementation and completion of acts and reports, shall be made in accordance with the provisions of 24 CFR Section 3282.409 through 3282.413. When the manufactured home is in the hands of a distributor or dealers, it shall be handled in accordance with 24 CFR Section 3282.414.

8. The state fire marshal shall be responsible through oversight and remedial actions that the provisions of 24 CFR Part 3282, Subpart I, are carried out and may make inspections of any manufacturer corrections to assure compliance with 24 CFR Part 3282, Subpart I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:17 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1694 (December 1997).

§509. Notification and Correction Procedure

A. **Manufacturer's Determination.** When a consumer complaint is referred to the manufacturer and the manufacturer determines that an imminent safety hazard, serious defect, defect or noncompliance may exist and the manufacturer does not correct the imminent safety hazard or failure to conform within 30 days of the date on which the manufacturer determined the existence of an imminent safety hazard or failure to conform, the manufacturer shall prepare and submit a plan as provided for in 24 CFR Section 3282.409, to the state fire marshal.

B. **Notification.** The plan, including a copy of the notice as required by 24 CFR Section 3282.410, shall be submitted to the state fire marshal by the manufacturer and shall provide for notification by mail, to the first purchaser (not including any dealer or distributor of the affected manufacturer) of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and any subsequent purchaser to whom any warranty provided by the manufacturer or required by federal or state law has been transferred, to the extent feasible; by mail to any other person who is a registered owner of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and whose name has been returned to the manufacturer under the procedure of Record of Purchasers as provided for under 24 CFR Section 3282.410; by mail or other expeditious means to the dealers or distributors to whom such manufactured home was delivered. In the event the manufactured home has an imminent safety hazard or serious defect, the notification shall be forwarded by certified mail, if mailed.

C. Review

1. The state fire marshal will review the plan submitted by the manufacturer, including the contents of the notice, and either approve the plan as submitted or make modifications to

the plan for compliance with the requirements of 24 CFR Section 3282.409 and notify the manufacturer of the approval or modification. The manufacturer may contest the modification within five days of the approval of the plan or modification.

2. If the state fire marshal does not accept the manufacturer's position as to the modification, it shall act as follows: if the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as the state fire marshal contends, the state fire marshal shall refer the matter to the secretary for determination under 24 CFR Section 3282.407(a).

3. The formal notification requirements which would result from any determination by the manufacturer under 24 CFR Section 3282.404 may be waived by the state fire marshal that would otherwise approve the plan upon receipt of satisfactory assurances from the manufacturer that:

a. the manufacturer has identified all possibly affected manufactured homes which have been sold to purchasers, dealers and distributors;

b. the manufacturer has corrected, at the manufacturer's expense, all affected manufactured homes; and

c. the repairs, in the state fire marshal's judgment, are adequate to remove the imminent safety hazard or failure to conform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:18 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1695 (December 1997).

§511. Oversight by the State Fire Marshal

Pursuant to 24 CFR Section 3282.405 and 3282.407, the state fire marshal will:

1. review plans submitted by manufacturers;
2. modify plans submitted by manufacturers where necessary for compliance with 24 CFR Section 3282.409;
3. notify the manufacturer of any modifications or necessary corrections;
4. approve plans submitted by manufacturers that comply with the requirements of 24 CFR Section 3282.409;
5. refer to the secretary of HUD any matter where:
 - a. the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as determined by the state fire marshal;
 - b. the manufacturer contends that the number of manufactured homes affected is different from that determined by the state fire marshal;

c. the manufacturer contends that the contents of the notice or the correction are different from what the state fire marshal has determined;

d. the manufacturer and the state fire marshal agree that an imminent safety hazard or serious defect exists;

6. determine from records or otherwise that the time elements for implementation of the manufacturer's plan, as outlined in 24 CFR Section 3282.412, are carried out;

7. determine from records or otherwise that required correction of defects have been made by the manufacturer;

8. determine from records or otherwise that the manufacturer has complied with the requirements outlined in 24 CFR Section 3282.404(e) where the state fire marshal has waived the formal notification requirements that would result from any determination by a manufacturer to provide notification as outlined in 24 CFR Section 3282.404;

9. review reports submitted to it by manufacturers, DAPIA and IPIA to determine that the requirements outlined in 24 CFR Part 3382, Subpart I, are being complied with; and

10. review manufacturer records for incorrect determination, inadequate repairs or failure to make required repairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1696 (December 1997).

§513. Amendments

In amending these regulations, the state fire marshal shall follow the procedure specified in R.S. 49:950 et seq., the Administrative Procedure Act, and any amendments thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1696 (December 1997).

§515. Appeals

Notwithstanding the provisions of 24 CFR Section 3282.152(f)(2) and (g)(2) relating to the conclusive effect of a final determination, any party, in a proceeding held at a SAA under this Chapter, including specifically the owners of affected manufactured homes, consumer groups representing affected owners and manufacturers (but limited to parties with similar substantial interest), may appeal to the SAA which is adverse to the interest of that party. This appeal on the record shall be made within 30 days of the date on which the final determination was made by the SAA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1696 (December 1997).

§517. IPIA Fees

A. IPIA (In Plant Inspection Agency) fees for the inspection of the construction of manufactured housing within this state shall be as follows:

1. \$20 for each manufactured home constructed within Louisiana;
2. \$23 per hour for each hour that a field inspector monitors the manufactured housing construction within the Louisiana manufacturing facility;
3. \$30 per hour for each hour the administrative personnel (architect and/or engineer) monitors the manufactured home construction within the Louisiana manufacturing facility.

B. The fees required shall be paid to the Office of the State Fire Marshal, made payable to the Department of Public Safety, State of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:19 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1697 (December 1997).

Subchapter B. Manufactured Housing (Installation)

§521. Definitions

When used in these regulations, these terms shall have the following meanings:

Dealer—any person engaged in the sale, leasing, or distribution of mobile homes or manufactured housing primarily to a person who, in good faith, purchases or leases a mobile home or manufactured housing for purposes other than resale.

Fire Marshal—the assistant secretary of the Office of the State Fire Marshal of the State of Louisiana.

Installation—the construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. *Installation* includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home together and to the foundation.

Installer—a person responsible for the installation of a manufactured home or mobile home and who is required to obtain a license pursuant to the provisions of R.S. 51:912.

Manufactured Home—a new or used structure

transportable in one or more sections, which is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning, and electrical systems contained therein. For purposes of LAC 55:V.Chapter 5, the terms *mobile home*, *manufactured home*, and *manufactured housing* may be used interchangeably and apply only to structures bearing the permanently affixed seal of the U.S. Department of Housing and Urban Development.

Manufacturer—any person who constructs or assembles manufactured housing.

Person—a natural person, association, or group of natural persons, partnership, company, corporation, institution, or legal entity.

Salesman—any person employed by a dealer for purposes of selling manufactured housing to the public.

Transporter—an individual who transports the manufactured home or mobile home to the site of installation but does not perform the blocking and anchoring of the home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:695 (April 1998).

§523. General

A. Any person who engages in the business of installing manufactured homes, who directs, supervises, or controls installations or performs repairs to an existing installation shall have an appropriate, valid Louisiana manufactured housing installer's license issued by the Office of the State Fire Marshal.

B. Persons who have had a license issued by this office revoked may not apply for approval as an installer within one year of the date of revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:696 (April 1998).

§525. License Exceptions

Notwithstanding the provisions of LAC 55:V.523, the following individuals are not required to have a license as provided therein:

1. when the individual installing the manufactured home is the owner thereof, or the manufactured home is owned by a member of the individual's immediate family, and the manufactured home is not intended for sale, exchange, lease, or rent;

2. an individual installing additional blocking for support;

3. an individual installing a manufactured home when the manufactured home is installed on a dealer's, distributor's, or manufacturer's sales or storage lot or at a show and is not occupied or intended to be occupied. This exemption does not include those manufactured homes installed in manufactured homes parks or manufactured homes subdivisions;

4. an individual performing plumbing or electrical work when the individual doing the work is a licensed plumber or electrician;

5. an individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers or dealers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:696 (April 1998).

§527. Manufactured Housing Installer's License

Effective May 1, 1998, a manufactured home may not be installed without a licensed manufactured housing installer supervising installation work being performed. The licensed manufactured housing installer is responsible for the reading, understanding, and following of the manufacturers installation instructions and performance of nonlicensed workers engaged in the installation of the home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:696 (April 1998).

§529. Requirements for Installer's License

A. To be licensed as a manufactured housing installer, an applicant shall have at least one year's experience installing manufactured homes.

B. Verification of experience shall be submitted in the form of sworn statements signed by the applicant before a notary public.

C. In addition to the completed application form and application fee, an applicant shall provide the following:

1. personal identification;
2. proof of workers' compensation insurance;
3. proof of vehicle liability as required by law.

D. After January 1, 1999, in addition to the requirement of §529.A, B, and C, the application must include a certificate of completion as evidence of having attended and received a passing grade in a fire marshal-approved manufactured housing installation education program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:696 (April 1998).

§531. Installer's Responsibilities and Limits

A. Work covered by an installer's license shall be limited to:

1. installing manufactured homes in accordance with applicable statutes, administrative rules and regulations, adopted codes, and standards;

2. installing the support, tie down and the structural connections for manufactured housing in accordance with applicable statutes, rules and regulations, adopted codes, and standards;

3. providing plumbing, electrical, and mechanical connections of and to the manufactured home in accordance with applicable statutes, rules and regulations, adopted codes, and standards;

4. performing plumbing, mechanical, and electrical tests in accordance with applicable statutes, rules and regulations, adopted codes, and standards, as required for installation;

5. supervising individuals installing manufactured homes.

B. An installer shall:

1. assure the manufactured home is in compliance with the *Louisiana Uniform Standard Code for Manufactured Housing and Mobile Homes*;

2. perform electrical and plumbing tests if the plumbing and electrical connections were made by the installer;

3. close and secure all access panels and covers on or under the manufactured home;

4. assure the manufactured home installation is in compliance with the applicable statutes, rules and regulations, adopted codes, and standards;

5. assure that all doors and windows are adjusted, secured in place, and operational;

6. assure that all "ship loose" flue vents and chimneys are installed, secured in place, and capped according to their listing;

7. complete all reporting and application forms required by these rules;

8. leave the manufacturer's installation instructions at the installation site to be available at the time of the inspection if used for any part of the installation and thereafter left with the owner thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:696 (April 1998).

§533. Installer's Responsibilities to the Consumer

An installer shall:

1. ensure all phases of the installation work performed by the installer are complete and in compliance with the applicable statutes, rules and regulations, adopted codes, and standards;
2. notify the Office of the State Fire Marshal of the installation work performed by the installer;
3. correct all applicable nonconformances within 30 days of receipt of a correction notice from the Office of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§535. Monthly Report

A. An installer shall submit a monthly installation report to the Office of the State Fire Marshal by the twentieth day of the following month.

B. A report need not be filed for those months in which no installations were made.

C. Reports shall be submitted on forms provided by the Office of the State Fire Marshal and provide all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§537. Issuance and Possession of License

A. A manufactured home installer license shall be issued to the person named on the application and shall be nontransferable.

B. The licensee shall publicly display said license at licensee's principal place of business and physically possess a copy of the license when at the job site.

C. The licensee shall provide satisfactory evidence of being licensed when requested to by the Office of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§539. License Renewal

A. Licenses issued under LAC 55:V.Chapter 5 shall expire

on January 1 of the year following issuance.

B. An application for renewal of a current license shall include:

1. the required fees as set forth in R.S. 51:912.27.A;
2. all information requested on the form by the Office of the State Fire Marshal.

C. Forty-five days prior to license expiration, the fire marshal shall mail each licensee a license renewal application.

D. A license renewal application must be submitted to the fire marshal prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired must reapply for a new license and meet all requirements of a new applicant.

E. A person not meeting the continuing educational requirement prior to December 31 of each year, shall apply for a temporary installer's license that will be effective for six months or until said installer completes his continuing education requirement, whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§541. Issuance of the Temporary Installer's License

A. In order to be issued a temporary installer's license, the applicant must qualify as provided by LAC 55:V:539.E, or meets all of the conditions of LAC 55:V:537 except for the educational requirements. The purpose of the temporary license is to allow such individuals to complete the educational requirements. Such requirements must be completed at the earliest available time after issuance of the temporary license. The temporary installer's license is not renewable.

B. A temporary installer's license allows persons to perform all of the work performed by an installer. The license shall be valid for six months from the date of issue.

C. The fee for the temporary license is the same as the installer's license as provided in R.S. 51:912.27.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§543. License Suspension or Revocation; Imposition of Civil Penalties

A. The fire marshal may, after notice and hearing as required by R.S. 49:950 et seq., suspend or revoke an installer's license issued by this office, or impose a civil penalty as provided for by R.S. 40:1563.4, for violations of applicable statutes, rules, regulations, adopted codes, or standards or lawful orders issued by the fire marshal.

B. The schedule of fines shall be as follows:

| | |
|--|-------|
| 1. First offense of the following violations: | |
| | \$100 |
| a. Failure to timely renew license | |
| b. Failure to timely file required report | \$100 |
| c. Failure to properly supervise unlicensed employees | \$100 |
| d. Failure to install "ship loose" flue vents and chimneys | \$100 |
| e. Failure to timely correct nonconformances | \$100 |
| 2. Second offenses of the foregoing violations | \$250 |
| 3. Third offenses of the foregoing violations | \$500 |
| 4. First offense of the following violations: | |
| a. Failure to properly set up and install the manufactured home | \$250 |
| b. Failure to properly tie down the manufactured home | \$250 |
| c. Failure to properly plumb and/or electrically connect the manufactured home | \$250 |
| d. Failure to properly tag and seal multi-sectional manufactured home | \$250 |
| e. Bringing the manufactured home out of compliance with federal standards by altering it or installing improper equipment | \$250 |
| f. Second offenses of the foregoing violations | \$500 |
| g. Third offenses of the foregoing violations | \$750 |

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:697 (April 1998).

§545. Education: Requirements, Installer's License

A. Beginning January 1, 1999, all licensed installers shall attend at least one fire marshal-approved installation class per calendar year.

B. Classes shall only be provided by the fire marshal or a fire marshal-approved provider and shall include instruction as to statutes, codes, rules, and regulations or standards and/or changes thereof and proper installation procedures.

C. Prior to the end of the license period, licensees will be notified by the fire marshal of class requirements and class availability for the next license period.

D. The fire marshal shall not renew licenses of licensees who did not attend required classes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:698 (April 1998).

§547. Course Curriculum Requirements for Education Provider Training

A. The course curriculum shall be submitted to the fire marshal for approval and shall include a detailed description of course content and materials.

B. The course curriculum for manufactured housing installers should, at a minimum, include the following areas of training:

1. definitions, as provided in the "Louisiana Minimum Standards for Installation of Manufactured Homes and Mobile Home" law;
2. license and registration requirements;
3. permits and penalties;
4. installer qualification;
5. location of manufactured homes;
6. foundation systems;
7. structural connections;
8. anchoring systems;
9. electrical connections;
10. plumbing connections;
11. mechanical connections;
12. fuel gas piping connections;
13. fire protection and separation;
14. underfloor enclosures, access, and ventilation;
15. alternate manufactured housing uses;
16. accessory buildings and structures;
17. alterations, repairs, and additions.

C. Within 30 days of notification of any change in course curriculum requirements adopted by the fire marshal, the provider shall submit a revised curriculum to the fire marshal for approval.

D. The provider shall notify the fire marshal, in writing, seven days prior to each class, indicating the time, date, and location of the class. The fire marshal's representative shall be permitted to audit any class, without fee or cost for entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:698 (April 1998).

§549. Requirements for Education Provider Instructors

A. Instructors must provide to the fire marshal for approval, documentation of qualifications to teach installation classes.

B. Documentation must include:

1. formal schooling;
2. specified training in the manufactured housing industry;
3. history of instructional ability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:698 (April 1998).

§551. Inspections by the Office of the State Fire Marshal

A. Upon request for inspection by a Louisiana-licensed dealer, manufacturer, installer, or the homeowner, the Office of the State Fire Marshal will cause an inspection to be performed by one of the employees of this office to determine compliance with the applicable sections of R.S. 51:912.21 through R.S. 912.28 regarding installation.

B. Upon completion of the requested inspection the Office of the State Fire Marshal will present to the requesting party and the homeowner an inspection report indicating the findings of said inspection.

C. The requesting party will reimburse the Office of the State Fire Marshal for the inspection in accordance with the provisions of R.S. 51:911.32(3).

D. The fee shall be \$40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:698 (April 1998).

§553. Pier Spacing and Construction

In accordance with R.S. 51:912.23(1)(a) the following table and figures shall be utilized for installation of piers:

TABLE A

PIER SPACING TABLE

| Soil Class | 1,000 PSF | | 1,500 PSF | | 2,000 PSF | | 2,500 PSF | | 3,000 PSF | |
|-----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Footer Size | 4'x16'x16' | 6'x20'x20' | 4'x16'x16' | 6'x20'x20' | 4'x16'x16' | 6'x20'x20' | 4'x16'x16' | 6'x20'x20' | 4'x16'x16' | 6'x20'x20' |
| Max. Pier Space | 3' | 4'6" | 4' | 6'6" | 6' | 9' | 8' | 11' | 9' | 11' |

(Note: Pier Measurements are from Center to Center)

FIGURE A

BLOCKING (Single Tiered)

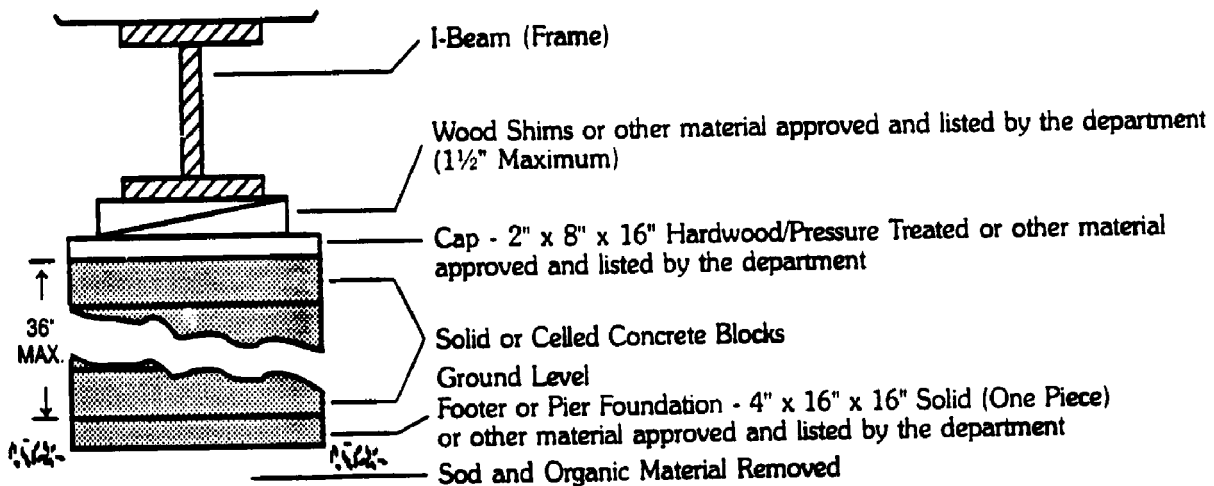


FIGURE B

BLOCKING (Double Tiered and Block Interlocked)

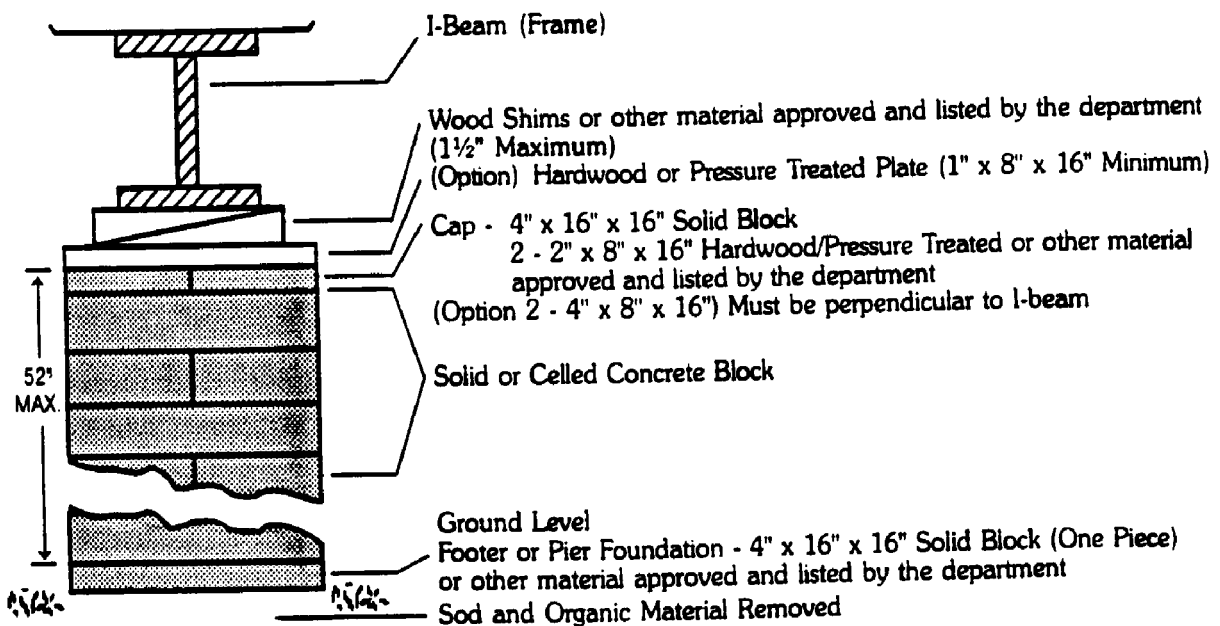


FIGURE C

I-BEAM FRAME ATTACHMENT

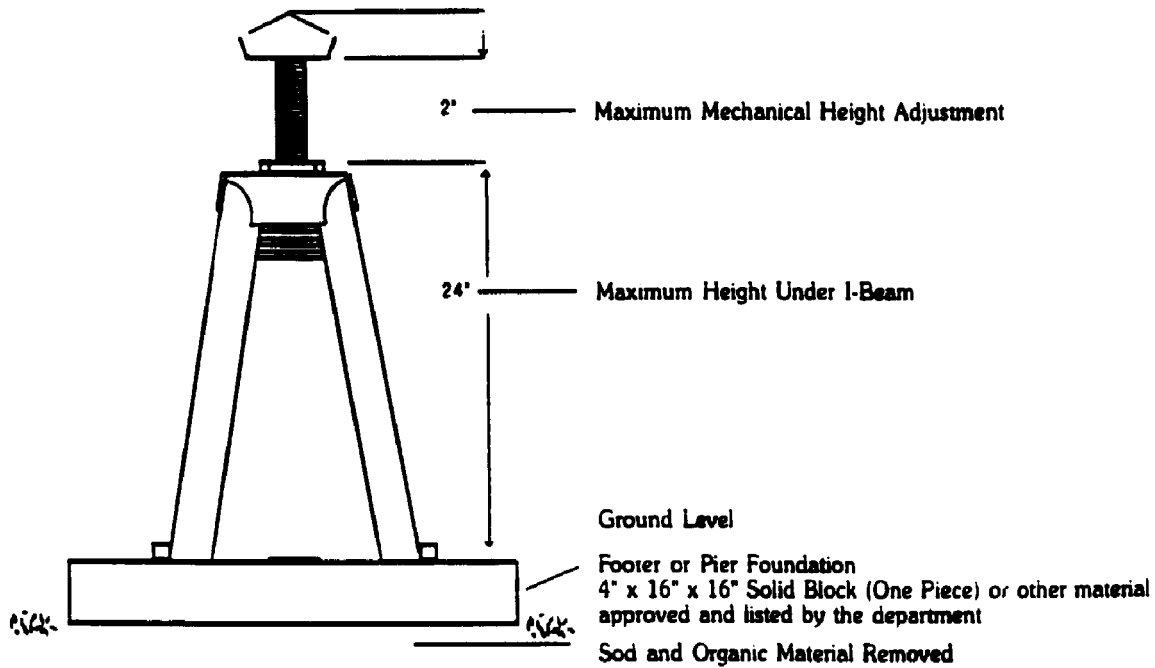
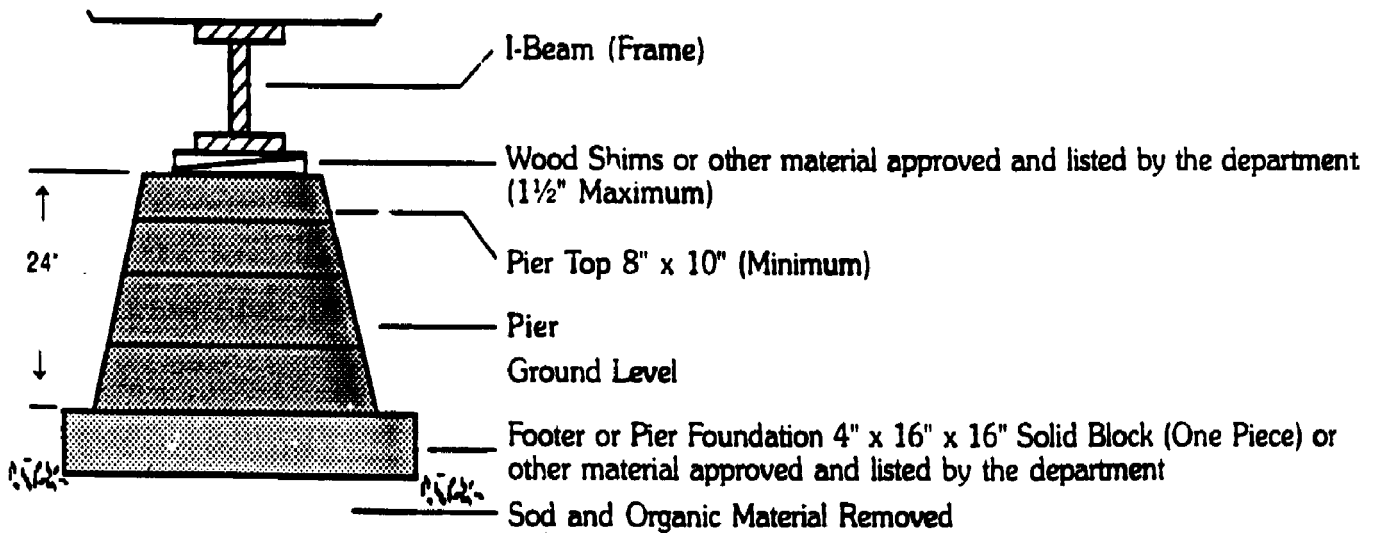


FIGURE D

BLOCKING (Solid Pier)



AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:699 (April 1998).

Chapter 7. Remanufactured Housing

§701. General Provisions and Scope

Whereas manufactured homes built on or after June 15, 1976 have had to be in strict compliance with the Federal Manufactured Home Construction and Safety Standards (24 CFR Chapter XX Part 3280), and whereas these same homes have had at least one owner, and whereas these same homes may undergo some degree of refurbishing or remanufacturing before being resold to the consuming public, it is the intent of the fire marshal to assure the remanufactured home retains a minimum level of safety to life from the hazards of fire and similar habitable conditions. It is not the intent of the fire marshal, for reason of impracticality, to assure that each remanufactured home be completely restored or remanufactured to once again be in full compliance with the Federal Manufactured Home Construction and Safety Standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:912.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:144 (February 1975), repromulgated LR 6:73 (February 1980), repealed and adopted by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§703. Definitions

Label—the acceptable form of certification by the remanufacturer that, under LAC 55:604 is permanently affixed to each transportable section of each remanufactured home.

Serial Number—the letters and numbers stamped into the foremost cross member of the remanufactured home by the original manufacturer as a means of identification required pursuant to 24 CFR Chapter XX Part 3280.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§705. Inspection Information Plate

A. Each remanufactured home shall have an inspection information plate affixed in a secure manner near the main electrical panel or other readily accessible and visible location. Inspection information plates shall contain not less than the following information:

1. the name and address of the remanufactured housing plant, facility, or location in which the manufactured home was

remanufactured;

2. the serial number of the unit and the date the unit was remanufactured;

3. the Louisiana label number;

4. the statement, "This remanufactured home was remanufactured in conformance with the minimum standards for life safety as regulated by the Louisiana Office of State Fire Marshal in force at the time of remanufacture."

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§707. Label

A. A permanent label shall be affixed to each transportable section of each remanufactured home.

B. The label shall be approximately 1½ inches by 3 inches in size and of a self-adhesive metallic type. The label shall be stamped with a six-digit sequential number.

C. The label shall read as follows:

This label is certification of restoration of this manufactured home being in conformance with the minimum standards for life safety regulated by the Office of State Fire Marshal.

D. The label shall be located approximately 4 feet up the floor and 8 inches away from the opening side of the main entry door, or as near to that location on a permanent part of the exterior of the remanufactured home unit as practicable.

E. Labels shall be affixed only at the end of this last stage of production of the remanufactured home and only to a remanufactured home to which the remanufacturer knows by its inspections to be in compliance with all applicable standards and regulations.

F. The remanufacturer shall keep a monthly record of all remanufactured homes to which labels are affixed and forward a copy of each month's report to the fire marshal on or before the tenth day of the following month.

G. A four-week supply of labels can be procured by placing an order with the Office of State Fire Marshal on a "Request and Payment for Remanufactured Homes Labels" form. The labels shall be provided to the remanufacturer in a sequentially numbered series.

H. The remanufacturer shall pay a fee of \$40 for each label ordered by a check made payable to the Office of State Fire Marshal for the total amount of the order.

I. The fire marshal shall reclaim labels where he has reason to believe remanufactured homes are being produced in nonconformance with the applicable standards and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§709. Exit Facilities; Exterior Doors

A. The number and location of exterior doors shall not be diminished below that of the original manufactured design or lower than allowed by 24 CFR Chapter XX Part 3280.105.

B. All exterior doors shall be fully operable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§711. Fire Safety

A. The number and location of smoke detectors shall not be diminished below that of the original manufactured design or lower than allowed by 24 CFR Chapter XX Part 3280.208.

B. All existing smoke detectors installed shall be cleaned and tested in accordance with standard recommended practices and be fully operable.

C. Any new smoke detectors installed for the purpose of replacement of an existing defective detector or as additional protection shall be installed and carry the appropriate labeling as required by 24 CFR Chapter XX Part 3280.208.

D. Flame spread limitations and fire protection requirements shall be those found in 24 CFR Chapter XX Part 3280.203.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:32 (January 1990).

§713. Egress Windows

A. All existing egress windows shall be fully operable and appropriately identified.

B. Any new egress windows shall meet the standards for type, performance, dimensions, installation, and identification per 24 CFR Chapter XX Part 3280.404.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

§715. Water Distribution and Drainage

All water and drainage piping (existing or replacement) shall be tested and inspected by the remanufacturer in accordance with 24 CFR Chapter XX Part 3280.612.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

§717. Gas Piping

All gas piping shall be tested for leakage by the remanufacturer in accordance with 24 CFR Chapter XX Part 3280.705.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

§719. Electrical Systems

A. All electrical conductors and equipment replaced or repaired within or on a remanufactured home shall be in accordance with 24 CFR Chapter XX Part 3280 Subpart 1.

B. Each remanufactured home shall have a dielectric continuity, and operational test in accordance with 24 CFR Chapter XX Part 3280.810.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

§721. Quality Assurance

A. The remanufacturer shall prepare and submit to the fire marshal for acceptance a quality assurance manual. That manual shall include the manufacturer's quality assurance program, an organizational chart showing the accountability, by position, of the manufacturer's quality control personnel, a description of production tests and test equipment required for compliance with the standards, a station-by-station description of the manufacturing process, a list of quality control inspections required by the remanufacturer at each station, a identification by title of each person who will be held accountable for each quality control inspection. All amendments to the quality assurance manual and all changes in the quality control personnel shall be reported to the fire marshal in writing within 10 days of their occurrence.

B. Labels shall only be affixed by or under the direct supervision of the quality control manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

§723. Inspections

A. The inspectors of the state fire marshal shall routinely review records/files of the remanufacturer's quality control department relative to production line inspections and tests to assure adherence to the quality assurance manual. Quality control inspection reports shall be checked to determine what corrective action the quality control manager has taken on

items written up against the applicable standards and regulations.

B. The fire marshal inspector shall inspect each remanufactured home at least once in some stage of production. The inspector shall cite a nonconforming condition on an inspection report.

C. All units on the production line/stations shall be inspected each visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:912.5.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 16:33 (January 1990).

Chapter 9. Tents and Tenting Material

§901. Definitions

For the purpose of this rule the following definitions shall apply:

Flooring Material—pliable material used for flooring in tentage but excluding such articles as rugs or carpets placed in a tent which are not an integral part of the tent.

Tentage—any mobile or portable temporary shelter designed to protect persons from the elements, all or a portion of the covering which is made of fabric or other pliable materials.

Wall and Top Material—any pliable material used in tentage for other than flooring including walls, roofs, tops doors, window screens, awnings, flies, and canopies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:168 (March 1975), amended LR 6:75 (February 1980).

§903. Specification Standards

A. No person shall sell or keep for sale any tentage as such defined in these regulations unless all pliable material contained therein meets the standards of Canvass Products Association International Specification No. 84 hereinafter referred to as CPAI-84, as amended from time-to-time.

B. Tentage which is not manufactured or fabricated in accordance with the standards of CPAI-84 and is not certified and labeled in accordance with these rules shall not be manufactured and/or sold in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:168 (March 1975), amended LR 6:75 (February 1980).

§905. Certification

Each lot of flame retardant material accepted by any wholesale or retail by any wholesale or retail distributor of tentage within the state of Louisiana shall be accompanied by

a written certification from the supplier thereof stating that it meets the flame retardant requirements of the CPAI-84 and shall give the lot number and yardage therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:168 (March 1975), amended LR 6:76 (February 1980).

§907. Labels

A label or labels containing the following information shall be permanently affixed to each item of tentage sold in the state of Louisiana:

1. certification—a statement that the materials used in the manufacture of the item meet the flame retardant requirements of CPAI-84;

2. manufacturer's identification—an identification of the manufacturer of the item, unless the item bears a private label in which case it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer thereof to the purchaser upon request;

3. serial number—a number enabling the manufacturer to identify, from his records, the suppliers and suppliers' lot numbers of the certified materials used in the item. The manufacturer shall also maintain records identifying the parties to whom he sold camping tentage. Further, he shall maintain records identifying items manufactured from lots of certified material. Records shall be maintained for four years;

4. care information—instructions designed to protect the item from agents or treatments known to be detrimental to the flame retardant properties of the material and to warn against the introduction of high heat sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:168 (March 1975), amended LR 6:76 (February 1980).

Chapter 11. Modular Structures

§1101. Modular Structures Definition

A modular structure is any type of watercraft, movable or structure erected in the state of Louisiana which does not come within the definition of a mobile home as set forth in the Mobile Home Act, Act 281 of 1974, R.S. 51:911.21 et seq., but which contains hidden appliances, such as wiring, which are manufactured into the product at a factory rather than on-site and which are, therefore, impractical or impossible to inspect on-site when erected or constructed in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 5:363 (November 1979), repromulgated LR 6:76 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR

23:1697 (December 1997).

§1103. Applicability of the Fire Marshal's Act

All of the provisions of the Louisiana State Fire Marshal's Act, R.S. 40:1561 et seq., shall apply to modular structures. Accordingly, it shall be required that plans and specifications be submitted to the fire marshal's office for each and every modular structure prior to its erection or construction in the state of Louisiana. Failure to submit plans and specifications to the Office of the State Fire Marshal shall, upon detection, result in immediate closure and a cease and desist order from the use of said structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 5:363 (November 1979), repromulgated LR 6:76 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1697 (December 1997).

§1105. Certificate of Manufacturer

Prior to erection or construction in the state of Louisiana of a modular structure containing hidden appliances, such as wiring, gas piping, or other items which are not available to visual inspection by a Louisiana state fire marshal deputy, the owner of such structure shall furnish certification to the fire marshal that it was manufactured in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the fire marshal. The certification must be made by an architect or engineer who observed the manufacture of the structure and who is registered in the state where such manufacture occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 5:363 (November 1979), repromulgated LR 6:76 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1697 (December 1997).

§1107. Local Authority Supercedure

This rule shall supersede the authority of local governmental subdivisions to require that the modular structures which are shipped into this state be torn down or disfigured in any fashion in order to make an on-site inspection of hidden appliances. Hereafter, any modular structures which are shipped into this state after having had the plans and specifications reviewed by the Office of the State Fire Marshal and which have been given a certificate of manufacture by a licensed architect or engineer that the hidden appliances meet the requirements of Louisiana state law, must be reviewed and must be permitted to be constructed and installed in the state without the need of tearing into or otherwise abridging the structure for the purpose of an on-site inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public

Safety, Office of Fire Protection, LR 5:363 (November 1979), repromulgated LR 6:76 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1697 (December 1997).

Chapter 13. Health Care Facilities; Hospitals

§1301. Emergency Generators for Health Care Facilities

In addition to the requirements of the *Life Safety Code* as set forth in previous regulations, all hospitals, skilled nursing facilities or any other facility utilizing life support systems on a 24-hour day basis shall comply with the following:

1. emergency power must be provided in conformity with NFPA Code 99;
2. if the source of fuel for the motor generator is gasoline, diesel, kerosene or other fuels that are supplied independent of the public utilities, a secondary source of fuel will not be necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 8:15 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:95 (February 1989), LR 23:1697 (December 1997).

§1303. Hospital Fire Lanes

A. There shall be no parking or stopping of any kind in fire lanes designated by the state fire marshal or his deputy in and around hospitals, nursing homes, convalescence facilities and any other building used for the same or similar purposes.

B. After the fire marshal has designated the fire lanes, it shall be the responsibility of the above described institution to pay for and to erect suitable signs notifying everyone that there shall be no parking in the designated fire lanes by order of the state fire marshal; failure to obey this order shall subject the violator to a fine of \$1,000, or one year in jail, or both.

C. The fire marshal, his certified local authorities, or local law enforcement officials shall remove any vehicle parked in any fire lane in the state of Louisiana by any means necessary and shall assess the cost of removal against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

D. Owners and occupants of the property on which fire lanes are located are hereby charged with the responsibility of notifying the fire marshal, his certified local authorities, or local law enforcement officials of the existence of any vehicles parked in those fire lanes; and in the event that they are unable to contact the fire marshal, his certified local authorities, or local law officials, the owner and occupant are hereby charged with the responsibility of and are hereby authorized to remove any vehicle parked in those fire lanes by any means necessary

and to assess the cost of same against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:144 (February 1975), repromulgated LR 6:73 (February 1980), amended LR 6:659 (November 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1697 (December 1997).

Chapter 15. Public Places in General

§1501. Equal Access for Disabled Individuals

A. Buildings, structures, public facilities, governmental facilities and improved areas built between January 1, 1978 and August 14, 1995 shall be covered by the standards put forward in ANSI 117.1. Such entities built on or after August 14, 1995, shall be covered by the ADAAG guidelines to the Americans With Disabilities Act in effect on September 1, 1994.

B. Multi-family dwelling units of less than four stories with less than 49 units accessible at habitable grade levels are not required to comply with these regulations above such levels, except when an elevator is provided.

C. Multi-family dwelling units of 15 or more dwelling units must have at least 5 percent or one dwelling unit which meets these regulations. Such facilities with less than 15 dwelling units are not required to meet these regulations except that all exits and passageways to exits must be at least 32 inches in width.

D. Multi-family dwelling units shall comply with the requirements for dwelling units set forth in ANSI A117.1-1994 of the American National Standards Institute entitled *American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People* which can be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:465 (November 1978), repromulgated LR 6:74 (February 1980), amended by the Office of the State Fire Marshal, LR 7:588 (November 1981), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1598 (December 1997).

§1503. Smoking in Places of Public Assembly Prohibited

A. There shall be no smoking in the public assembly areas of any churches, schools and theaters; this shall not prohibit the owners and/or operators of these particular places of public assembly from creating and designating smoking areas which are constructed and maintained to safeguard the life and safety

of the individuals utilizing the facilities in question.

B. There shall be no smoking where flammable materials and substances are being stored, manufactured, handled or dispensed.

C. There shall be no smoking in any areas which have been designated by the state fire marshal as hazardous and for which reasons he has posted or caused to be posted a sign specifically indicating that there shall be no smoking in that particular area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651 B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 6:74 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1698 (December 1997).

§1505. Overcrowding

A. There shall be no overcrowding in any auditorium or place of public assembly. In the future (after January 1, 1975), no contracts with the owners of auditoriums or places of public assembly shall allow the sale of tickets for the entry of any more individuals than can be seated in that auditorium or place of public assembly. All contracts for the use of said auditorium or place of public assembly shall provide that the owners of the auditorium or place of public assembly shall provide the tickets for the event for which the promoter of the event may be required to pay the cost.

B. There shall be no more individuals permitted in said auditorium or place of public assembly than can be accommodated by the number of seats and the arrangement of said seats as approved by the fire marshal or a certified local authority. Seating shall be in accordance with NFPA 101:31-2.4.1 (1994 Edition).

C. The promoters of any event in said auditorium or place of public assembly shall be required to pay the cost of additional security to assure that no more individuals enter said auditorium or place of public assembly than can be accommodated by the seating arrangement; furthermore, the promoters shall provide the owners, the municipalities and the state with adequate insurance to cover the damage, property or personal injuries, which can foreseeably be expected to occur as a result of the circumstances of this congregation of people.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:145 (February 1975), repromulgated LR 6:74 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1698 (December 1997).

§1507. Storage of Flammables in Places of Public Assembly

A. In pursuit of the requirements of R.S. 40.1575, it is hereby ordered that the storage of all flammable materials in all state buildings and all places of public assembly shall be

made in fireproof containers, that all state buildings and places of public assembly shall be regularly policed to clean up and place in fireproof containers all flammable materials; and all places of storage shall be arranged and maintained in such a manner that exit from said places and access to said places for the purposes of firefighting is not in any way impeded.

B. Flammable materials include, but are not limited to, paper, cigarettes, food wrappings, cardboard container for paper, and office supplies. Flammable materials for the purpose of this regulation would not include furniture, clerical implements, and machinery while said articles are in use, unless said articles are located so as to be in a position of storage as opposed to active use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:388 (October 1978), repromulgated LR 6:75 (February 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1699 (December 1997).

§1509. Shopping Centers Fire Lanes

A. Fire lanes shall be provided for all buildings that are set back more than 150 feet (45.75 meters) from a public road or exceed 30 feet (9.14 meters) in height and are set back over 50 feet (15.25 meters) from a public road in accordance with NFPA 1:3-5 (1992 Edition).

B. It shall be the responsibility of the owners and operators of shopping centers and similar facilities to pay for and erect suitable signs notifying everyone that there shall be no parking within the specified area by order of the state fire marshal.

C. The fire marshal, his certified local authorities, or local law enforcement officials shall remove any vehicle parked in any fire lane in the state of Louisiana by any means necessary and shall assess the cost of removal against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by the owner.

D. Owners and occupants of the property on which fire lanes are located are hereby charged with the responsibility of notifying the fire marshal, his certified local authorities, or local law enforcement officials of the existence of any vehicles parked in those fire lanes; and in the event that they are unable to contact the fire marshal, his certified local authorities, or local law officials, the owner and occupant are hereby charged with the responsibility of and are hereby authorized to remove any vehicle parked in those fire lanes by any means necessary and to assess the cost of same against the owner of said vehicle by storing said vehicle and refusing to release said vehicle until all costs incident to the removal and storage of said vehicle have been paid by owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:144 (February 1975), repromulgated 6:73 (February 1980), amended LR 6:659 (November 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1699 (December 1997).

Chapter 17. Prisons

§1701. Inspection of Prisons

All prisons in the state of Louisiana shall be inspected by the Office of the State Fire Marshal at least semiannually. When violations of the State Fire Marshal's Act are discovered, the appropriate authority responsible for the maintenance of the prison in question shall be given 30 days for complying with the order of the fire marshal to remedy the violations in question. After 30 days have elapsed from the initial inspection, the prison in question shall be reinspected. If upon reinspection the deputy state fire marshal is satisfied that the responsible authority is making an effort to comply with the original order of correction, an additional 30 days may be granted said authority for complete compliance. After 60 days have elapsed from the initial inspection, if compliance with the original order of correction has not been met, the matter will be turned over to the legal department of the Office of the State Fire Marshal which shall be instructed to immediately file suit for mandatory injunction in the appropriate district court to obtain immediate compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:388 (October 1978), repromulgated LR 6:75 (February 1980), amended by the Office of the State Fire Marshal, LR 7:12 (January 1981), LR 8:485 (September 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1699 (December 1997).

§1703. Basic Requirements

The basic requirements for prisons are as follows:

1. the amount of gross square feet per prisoner required shall be a sufficient amount to safely evacuate the premises in the event of a fire;
2. no more prisoners shall be incarcerated in any cell block than can be safely evacuated from the cell block in the event of a fire;
3. any prisons in buildings over 75 feet in height shall meet the requirements of R.S. 40:1578.6;
4. each prison shall have an approved fire alarm system with a pull box in the security watchroom;
5. there shall be at least one approved fire extinguisher every 2,500 square feet within the prison, which fire extinguisher(s) shall be placed in the security watchroom;
6. every cell must be equipped with gang locks;
7. emergency lighting must be provided by means of a second alternative power source, preferably a generator for

which the plans and specifications have been approved by this office;

8. two well separated means of egress shall be provided for every level in the prison;

9. all exit doors shall be equipped with locks that can be opened from either side;

10. in addition to the requirements set forth in Paragraphs 1-9, all prisons must comply with all of the life and fire safety requirements set forth in the Fire Marshal's Act, the regulations promulgated by the fire marshal, and all applicable codes referenced therein;

11. no mattresses shall be permitted in the cells, isolation rooms, detention rooms, and any other enclosed area of any prisons, jails or penal institutions in the state of Louisiana unless those mattresses meet the following requirements and are approved as such by this office:

a. ticking and filler must be flame retardant;

b. no mattress or component thereof may in the event of fire or any type of ignition give off gases which are any more toxic than natural untreated oak wood;

c. the cover of every mattress must be impervious to water;

12. in dormitory, ward and other group living areas with adequate outside ventilation, mattresses with untreated cotton filler will be permitted but the cover must be fire retardant and impervious to water;

13. pillows must be made with stuffing of natural fibers;

14. all mattresses must be clearly identified by a color code showing that mattresses to be used in cells, isolation rooms, detention rooms, and any other enclosed area are red and those mattresses used in dormitories, wards, and group living areas with adequate outside ventilation are blue;

15. every prison, jail, or penal institution is hereby granted up to six months to meet the requirements of this rule; however, until the mattresses and pillows meet the requirements of this Section, no smoking utensils or other devices or materials which could be used to ignite a fire shall be permitted on the premises of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:388 (October 1978), repromulgated LR 6:75 (February 1980), amended by the Office of the State Fire Marshal, LR 7:12 (January 1981), LR 8:485 (September 1982).

Chapter 19. Fireworks

§1901. Fireworks/Public Display

Pursuant to R.S. 51:655, any person, firm or corporation, or other legal entity desiring a permit for a public display may apply to either the Office of the State Fire Marshal, 5150

Florida Boulevard, Baton Rouge, Louisiana 70806 or to any certified local authority, which application shall contain the following information in the form of an affidavit sworn and subscribed by a duly licensed and qualified notary public:

1. the date, time and place of the public display including the length of time;

2. all fire prevention plans and provisions which will be present and in force and available to assure the public safety at the public display;

3. a copy of the license by the Office of the State Fire Marshal licensing the manufacturer, importer, distributor or jobber who will be supplying and/or conducting the public display or sufficient detail on the individual firm, corporation or other legal entity who will be supplying and/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; such facts required in lieu of a license include business history, including length of time in business; representative clients; references from public officials in fire safety; educational background of employees; and any and all other types of information which would assure the fire marshal or his certified authority that the public display will not endanger the public safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:388 (October 1978), repromulgated LR 6:75 (February 1980), amended by the Office of the State Fire Marshal, LR 7:12 (January 1981), LR 8:485 (September 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1699 (December 1997).

§1903. Licenses

Anyone applying for licenses under R.S. 51:656 shall set forth not only such information as may be required by the application attached hereto and made part hereof but all such information as shall be necessary for the fire marshal to determine that the manufacturing, importation, distribution and sale of the fireworks in question will not endanger the public safety; such facts shall include but are not limited to business history, including length of time in business; proof of taxes paid; representative clients; references from public officials in fire safety; educational background of employees; and any and all other types of information which would assure the fire marshal or his certified authority that the public display will not endanger the public safety. All of the information both on the form and any additional information must be sworn and subscribed before a duly licensed and qualified notary public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 7:642 (December 1981), amended by the Department of Public Safety and Corrections, Office

of the State Fire Marshal, LR 23:1700 (December 1997).

§1905. Retail Fireworks Sales

A. In addition to the requirements of Louisiana Revised Statutes including but not limited to Louisiana Revised Statutes 51:650 et seq. and more specifically Section 653 and 654 as well as Louisiana Revised Statutes 40:1563 et seq. and more specifically 1578.6, 1605, and 1603, licensed retail sellers of fireworks are required to comply with the following requirements:

1. there shall be no open flame heating devices in any location from which the sale of fireworks is made at retail;
2. there shall be no sleeping within the facility in which fireworks are sold, offered for sale or stored;
3. in any place where retail fireworks sales are made or offered or retail fireworks are stored there shall be a minimum of one unobstructed exit;
4. the physical facility, such as a fireworks stand, retail fast food outlet or any other similar facility out of which fireworks are sold, offered for sale or stored shall not be located less than 75 feet from any facility or mechanism in which flammable liquids are dispensed and/or stored above ground. Additionally, no fireworks shall be exploded within 75 feet from any facility or mechanism where flammable liquids are dispensed and/or stored above ground;
5. in any retail outlet except those which sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within 10 feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source;
6. no facility for the retail sale or storage of fireworks shall be located less than 25 feet from a public roadway;
7. all of the wiring in any facility for the retail sale or storage of fireworks shall be in accordance with the National Electric Code;
8. any facility for the retail sale or storage of fireworks shall have available one serviceable fire extinguisher in accordance with N.F.P.A.10 and LAC 163.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:650.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 9:691 (October 1983).

Chapter 21. Flammable and Combustible Liquids

§2101. Unattended Flammable Liquid Dispensing Systems

Unattended flammable liquid dispensing systems shall comply with the requirements of NFPA 30 and 30A, published by the National Fire Protection Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 3:498 (December 1977), repromulgated LR 6:75 (February 1980), amended by the Office of the State Fire Marshal, LR 8:523 (October 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1700 (December 1997).

§2103. Specification for Flammable and Combustible Liquid Containers

A. All flammable liquid (Class I) containers shall meet the requirements of NFPA 30 and/or 30A except as otherwise provided herein.

B. Nonreusable polyethylene containers made of DOT Type III plastic, treated, if necessary, to prevent permeation; having a minimum overall thickness of 0.010 inches; a rated capacity not over 2.5 gallons; a 15 percent maximum outage over mark capacity meeting the closure and testing requirements of, and containing combustible products authorized by DOT Specification 2U, shall be acceptable for Class II and Class III fuels.

C. All containers must be labeled to verify ANSI-ASTM D 3435-78 for Class I liquids and DOT Specification 2U for Class II and Class III liquids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 9:691 (October 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1700 (December 1997).

Chapter 23. Boards Within the Office of the State Fire Marshal

§2301. Fire Marshal Board of Review

A. Any application to the board of review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information:

1. the name of the applicant;
2. a brief description of the facts;
3. a copy of the order of the fire marshal which is being appealed;
4. a reference to the section of the law or code being reviewed;
5. a brief description of why the applicant feels the requirements of the fire marshal are not within the fire marshal's authority, or brief description of why the interpretation of the fire marshal is incorrect, or what specific relief is required by the applicant;
6. a list of the individuals who will be appearing before the board and a brief description of the testimony or information they will be providing to the board;

7. a list of all documents which will be introduced or provided to the board along with a brief description of the documents, and, if possible, a copy of said documents;

8. a list of each exhibit except for documents, and a brief description of each exhibit;

9. written proof of authority signed by the owner if the applicant is not the owner.

B. Whenever possible, a copy of the meeting notice including the date, time and place, and agenda of the meeting of the board will be published in the official notices of the official state journal; furthermore, whenever possible, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge and any city or town in which the meeting of the board is to be held if it is not one of the aforementioned major cities; and the same information shall be mailed to each individual who has notified the fire marshal of his desire to receive a notice of such appeal.

C. A copy of the determination of the board, as prepared by the chairman, will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.

D. The time delays for filing an appeal shall be those specified in R.S. 40:1577 and 40:1578.1(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 4:257 (July 1978), amended LR 6:517 (August 1980), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1700 (December 1997).

§2303. Fire Marshal Mobile Home Board of Review

A. Any application to the Board of Review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information:

1. the name of the applicant;
2. a brief description of the facts;
3. a copy of the order of the fire marshal which is being appealed;
4. a reference to the section of the law or code being reviewed;
5. a brief description of why the applicant feels the requirements of the fire marshal is not within the fire marshal's authority, or a brief description of why the interpretation of the fire marshal is incorrect, or what specific relief is requested by the applicant;
6. a list of the individuals who will be appearing before the board, and a brief description of the testimony or information they will be providing to the board;

7. a list of all the documents which will be introduced or provided to the board along with a brief description of the documents, and if possible, a copy of said documents;

8. a list of each exhibit except for documents, and a brief description of the exhibit.

B. Whenever possible a notice of the meeting date and place, and the agenda will be recorded in the *Louisiana Register*, however, whenever that is not possible, a copy of the meeting notice including the date, time and place, and agenda of the meeting of the board will be published in the official notices of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any city or town in which the meeting of the board is to be held if it is not one of the aforementioned major cities; and the same information shall be mailed to each individual who has notified the fire marshal of his desire to receive a notice of such appeal.

C. A copy of the determination of the board as prepared by the chairman will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 9:15 (January 1983).

§2305. Firemen's State Supplemental Pay Board

Whenever possible, a notice of any meeting of the Louisiana State Firemen's Supplemental Pay Board will be published in the official notices of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any other city or town in which the meeting of the board is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the fire marshal of his desire to receive a notice of a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 6:517 (August 1980).

Chapter 30. Fire Extinguisher and Fire Detections and Alarm Systems

§3001. Purpose

The purpose of these rules is to regulate the business of leasing, renting, selling, installing and servicing of portable fire extinguishers and the planning, certifying, installing or servicing of fixed fire extinguisher systems or fire detection and alarm systems in the interest of protecting and preserving lives and property pursuant to the authority of R.S. 40:1651 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3003. Applicability

These rules shall apply to all firms and persons engaged in the business of portable fire extinguishers, fixed fire extinguishers, fire detection and alarm systems and/or hydrostatic testing and not to the general public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3005. Exceptions

These rules shall not apply to firms engaging in the business of planning, certifying, installing or servicing fire detection and alarm systems in one or two family dwellings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3007. Notices

Notice by the state fire marshal and required by any provision of R.S. 40:1651 et seq. or these rules must be given by personal service or mailed, postage prepaid, to the person's residence or business address as it appears on the records in the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3009. Enforcement Date

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 on September 7, 1990 or becomes engaged in such activity prior to January 1, 1991, shall apply for a certificate of registration in the Class and/or Classes of Certification desired in accordance with §3015 on or before January 1, 1991.

B. Each employee, except apprentices, 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 on September 7, 1990 or becomes engaged in such activity prior to January 1, 1991 shall apply in accordance with §§3017 and 3025 for the proper license or licenses desired on or before January 1, 1991.

C. Each apprentice, as defined in §3013.A, engaged in the

business of installing or servicing portable fire extinguishers or installing or servicing fixed fire extinguisher system or fire detection and alarm systems on September 7, 1990 or become engaged in such activity prior to January 1, 1991 shall apply in accordance with §3027 for the apprentice permit on or before January 1, 1991.

D.1. All firms and persons described in Subsections A, B and C above which have not applied for a registration, license or permit on or before January 1, 1991, shall immediately cease such business activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

2. Each firm and person described in Subsections A, B and C above shall satisfactorily complete all registration, licensing and permit requirements before April 1, 1991.

3. All firms and persons described in Subsections A, B and C above which are not properly registered, licensed or permitted on April 1, 1991, shall immediately cease such activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

E.1. Each new firm commencing to engage 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 between January 1, 1991, and April 1, 1991, shall apply to this office for proper registration, licensing and permitting prior to commencing in such business activity.

2. All firms and persons described in Subsection E.1 above shall satisfactorily complete all registration, licensing and permitting requirements before April 1, 1991.

3. All firms and persons described in Subsection E.1 above which are not properly registered, licensed or permitted on April 1, 1991, shall immediately cease such activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

F. Each new firm commencing to engage 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 on or after April 1, 1991 shall be properly certified and its employees properly licensed and permitted prior to engaging in such activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3011. National Institute for the Certification of Engineering Technologies

A. Due to the time constraints inherent in becoming certified by the National Institute for the Certification in Engineering Technologies (NICET), at Level III, in the appropriate discipline, the Office of State Fire Marshal adopts

the following schedule of compliance.

1. Each certified firm or each firm seeking certification shall have at least one employee who is NICET Level II certified in the appropriate discipline on or before January 1, 1993.

2. Each certified firm or each firm seeking certification shall have at least one employee who is NICET Level III certified in the appropriate discipline on or before January 1, 1996.

B. A firm's failure to employ an employee properly certified in accordance with R.S. 40:1657(A) as described in the schedule contained in Subsection A of this Section may be subject to suspension or revocation of their certification pursuant to the authority of R.S. 40:1660.

C. No firm engaged exclusively in the business of the installation or servicing of portable fire extinguishers (Class A) or pre-engineered fire suppression systems (Class B and B-1) or the installation and servicing of fire detection and alarm systems in small business (Class D-1) or hydrostatic testing (Class E) shall be compelled to comply with the NICET requirements described above.

D. In lieu of the NICET certification requirements as detailed above, the fire marshal shall have the authority to determine that an equivalent level of expertise exists based upon an applicant's experience, training or other testing and certifications offered by industry. If the fire marshal determines that equivalent expertise is achieved, the fire marshal may grant an extension of time within which the applicant must obtain the required NICET Level III certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1657.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), amended LR 17:972 (October 1991).

§3013. Definitions

The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

Apprentice—a person to whom a permit has been issued by the state fire marshal to perform various acts of service or installation while under the direct supervision of and accompanied by a person working for the same firm and holding a valid license to perform such acts.

Branch Office—a location other than firm's main office, from which the acts authorized by the certificate of registration are performed.

Certificate—the certificate of registration issued by the state fire marshal to a person, firm, corporation, or association authorizing same to engage in such business activities as defined in §3015.

Certify—to attest to the proper charging, or filling, or inspecting, or installing, or maintaining, or recharging, or refilling, or repairing, or servicing, or testing of portable fire extinguishers, fixed fire extinguishing systems and fire detection or alarm systems.

Class "A" Certificate—authorizes a firm to engage in the business of installing or servicing portable fire extinguisher and hydrostatic testing not required by the U.S. Department of Transportation (U.S. DOT). Please note: Hydrostatic testing required by the U.S. DOT requires a Class E Certification defined in *Class "E" Certificate* below.

Class "B" Certificate—authorizes a firm to engage in the business of certifying, installing or servicing pre-engineered fixed fire extinguisher systems and those business activities specifically authorized by a Class "B-1" certificate.

Class "B-1" Certificate—authorizes a firm to engage in the business of certifying, installing or servicing pre-engineered fixed fire extinguisher systems containing wet or dry chemical agents within a kitchen ventilation system.

Class "C" Certificate—authorizes a firm to engage in the planning, installation, servicing, supervising and certifying of engineered fixed fire extinguisher systems.

Class "D" Certificate—authorizes a firm to engage in the business of planning, installing, supervising and certifying fire detection and alarm systems and those business activities specifically authorized by a Class "D-1" certificate.

Class "D-1" Certificate—authorizes a firm to engage in the business of planning, installing, supervising and certifying fire detection and alarm systems in structures or occupancies which are not required by NFPA 101 to be protected by an approved fire alarm and detection system.

Class "E" Certificate—authorizes a firm to engage in hydrostatic testing of fire extinguisher manufactured in accordance with the specification and procedure of the United States Department of Transportation.

Department of Transportation (D.O.T.) Cylinder—all fire extinguisher cylinders manufactured and tested in compliance with specifications and requirements of the United States Department of Transportation. Please note: DOT regulations place 21 year age restriction on drivers who transport certain DOT regulated cylinders.

Employee—

a. for the purposes of the licensing requirements contained in R.S. 40:1653(C)(1) employees shall not include secretaries, drivers, accounting personnel, or persons who sell portable fire extinguishers or single station smoke/fire detectors;

b. for the purposes of licensing requirements, the firm owner or owners shall be considered "employees" if he or she is or will be physically installing or servicing portable fire

extinguishers or planning, certifying, installing or servicing fixed fire extinguisher systems or in planning, certifying, installing or servicing fire detection and alarm systems or doing hydrostatic testing.

Engineered Systems—special systems individually designed or altered in accordance with nationally recognized fire protection system design standards and manufacturer's guidelines.

Hydrostatic Testing—pressure testing cylinders by approved hydrostatic methods and in accordance with NFPA codes.

Inspection—the act of checking portable fire extinguishers, fixed fire extinguishing systems and fire detection alarm systems against the applicable engineered specifications, manufacturer's manuals and adopted standards.

Installation—the initial placement of a portable fire extinguisher, fixed fire extinguishing systems and fire detection and alarm systems or an extension, or alteration after initial placement.

License—the license issued by the state fire marshal to an employee of a certified firm authorizing the employee to engage in the business activities as defined in §§3017 and 3025.

Nationally Recognized Testing Laboratory—a nationally recognized testing company concerned with product and service evaluation, which, after conducting successful examinations, inspections, tests and re-examinations, reflects approval by various labeling, listing and classification actions.

NFPA—the National Fire Protection Association, Inc., a nationally recognized standards-making organization.

Office—Office of State Fire Marshal.

Person—a natural person, including any owner, manager, officer, or employee of any firm.

Portable Fire Extinguisher—a portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire and shall include semi-portable fire extinguishers.

Pre-Engineered Systems—packaged systems which consist of system components designed to be installed according to pretested limitations as approved or listed by a testing laboratory. Pre-engineered systems may incorporate special nozzles, flow rates, methods of application, nozzle placement and pressurization levels, which may differ from those detailed elsewhere in NFPA. Pre-engineered systems shall be installed to protect hazards within the limitations that have been established by the testing laboratories where listed.

Recharge—the replacement of either the extinguishing agent, expellant or both.

Semi-Portable—any portable fire extinguisher mounted on skids or wheels.

Shop—a facility of a certified firm where designing, certifying, pre-assembling, servicing, repairing or hydrostatic testing is performed and where parts and equipment are maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), amended LR 17:972 (October 1991).

§3015. Certificates of Registration

A. Required

1. Each firm and each branch office engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing or servicing fixed fire extinguishing systems or fire detection and alarm systems shall have a certificate or certificates of registration issued by the state fire marshal.

2. Each firm shall have at least one licensed technician per class of certification to perform the act or acts authorized by its certificate.

3. Certificate holders shall be responsible for the acts of their agents and employees for purposes of these rules, including the initiation of administrative action by the state fire marshal.

B. Types of Certificates. Each certificate shall be identified by Class, which will indicate the authorized act or acts which may be performed by a firm, as defined in §3013.E-I.

C. Posting. Each certificate shall be posted conspicuously on the firm or branch office premises.

D. Change of Ownership. The change of a firm's ownership invalidates the current certificate. To assure continuance of the business, an application for a new certificate shall be submitted to the state fire marshal within five days after such change in ownership.

E. Change of Corporate Officers. Any change of corporate officers must be reported in writing to the state fire marshal within 14 days of the change, and does not require a revised certificate.

F. Duplicate Certificates. A duplicate certificate must be obtained from the state fire marshal to replace a lost or destroyed certificate. The certificate holder must submit written notification of the loss or destruction within 10 days, accompanied by the required fee specified in §3031.

G. Revised Certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Certificates requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The certificate holder must submit written notification of the change with the surrendered certificate, accompanied by the required fee specified in §3031.

H. Restrictive Use. A certificate does not authorize any person engaged in the business to enforce these rules or to enter any building without the owner's permission.

I. Nontransferable. A certificate is not transferable from one firm to another.

J. Minimum Age. There is no minimum age requirement except where required by other regulatory agencies.

K. Validity. A certificate of registration is valid for one year from date of issue, and must be renewed annually unless the state fire marshal adopts a system under which certificates expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each registrant pays only that portion of the fee that is allocable to the number of months during which the certificate is valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3017. License

A. Required. Each employee of a certified firm, other than an apprentice, who installs and services portables fire extinguishers, and/or plans, certifies, installs or services fixed fire extinguishing systems and/or fire detection and alarm systems and/or engages in hydrostatic testing shall have a license issued by the state fire marshal.

B. Types of Licenses. Each license shall be identified by the type, which indicates the authorized act or acts which may be performed by the licensee and are defined as follows:

1. Class "A" technician's license authorizes the person to install and service portable fire extinguishers.

2. Class "B" installer's license authorizes the person to install pre-engineered fixed extinguishing systems.

3. Class "B" technician's license authorizes the person to plan, install, service, supervise and certify pre-engineered fixed fire extinguishing systems.

4. Class "B-1" installer's license authorizes the person to install pre-engineered fixed extinguishing systems containing wet or dry chemical agents within a kitchen ventilation system.

5. Class "B-1" technician's license authorizes the person to plan, install, service, supervise and certify pre-engineered fixed fire extinguishing systems containing wet or dry chemical agents within a kitchen ventilation system.

6. Class "C" installer's license authorizes the person to install engineered fixed fire extinguishing systems.

7. Class "C" technician's license authorizes the person to plan, install, service, supervise and certify engineered fixed fire extinguishing systems.

8. Class "D" installer's license authorizes the person to install fire detection and alarm systems.

9. Class "D" technician's license authorizes a person to plan, install, supervise and certify fire detection and alarm systems.

10. Class "E" hydrostatic tester's license authorizes the person to perform hydrostatic testing.

11. Class "D-1" installer's license authorizes the person to install fire detection and alarm systems in structures or occupancies which are not required by NFPA 101 to be protected by an approved fire detection and alarm system.

12. Class "D-1" technician's license authorizes the person to plan, install, service, supervise and certify fire detection and alarm systems in structures or occupancies. which are not required by NFPA 101 to be protected by an approved fire detection and alarm system.

C. Posting. It is not necessary to post an employee license on a wall, but it must be kept on the employee's person at all times whenever the licensed employee is working in the business. (see Subsection D below)

D. Pocket License. The pocket license is for immediate identification purposes only so long as such license remains valid and while the holder is employed by the firm reflected on the license and shall be maintained in his/her immediate possession at all times.

E. Duplicate License. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder and his employer must submit written notification within 10 days of the loss or destruction of the license, accompanied by the required fee as specified in §3031.

F. Revised Licenses. The change of a licensee's employer, home address or mailing address requires a revised license. Licenses requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The license holder and his employer must submit written notification of the necessary change with the surrendered license, accompanied by the required fee as specified in §3031.

G. Restrictions:

1. A license does not authorize anyone engaged in the business to enforce these rules or to enter any building without the owner's permission.

2. Licensees shall not permit the use of their licenses by other persons.

3. A licensee shall not perform any act of business unless employed by a certified firm.

4. A licensee shall not perform any license acts unless employed by a firm certified to perform those acts. (i.e. an employee licensed as a Class A and B technician, who works

for a firm with a Class A certificate only, cannot perform Class B work for that firm).

H. Nontransferable. A license is not transferable from one person to another.

I. License Reciprocity. 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.

J. Minimum Age. There is no minimum age requirement except where required by other regulatory agencies. (Please note, however, that U.S. DOT regulations place 21 year age restrictions on drivers who transport certain DOT regulated cylinders.)

K. Validity. A license is valid for one year from date of issue, and must be renewed annually unless the state fire marshal adopts a system under which licenses expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each registrant pays only that portion of the fee that is allocable to the number of months during which the license is valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3019. Apprentice Permit

A. Required. Each employee 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 as an apprentice shall have an apprentice permit issued by the state fire marshal.

B. Validity. A permit shall be valid for a period of one year from the date of issuance and is nonrenewable.

C. Supervision. An apprentice may perform the various acts of servicing or installing portable fire extinguishers, fixed fire extinguishing systems and fire alarm and detection systems only while under the direct supervision of and accompanied by an employee holding a valid license to perform such acts. The apprentice and the supervising licensee must be employees of the same firm.

D. Identification. A permit holder shall, upon demand, show and allow the examination of such permit.

E. Posting. It is not necessary to post the apprentice permit on a wall, but it must be kept on the apprentice's person at all times whenever the apprentice is working in the business. (see Subsection F below)

F. Pocket Permit. The pocket permit is for immediate identification purposes only so long as such permit remains valid and while the holder is employed by the firm reflected

on the permit and shall be maintained in his or her immediate possession at all times.

E. Duplicate Permit. A duplicate permit must be obtained from the state fire marshal to replace a lost or destroyed permit. The permit holder and his employer must submit written notification within 10 days of the loss or destruction of the permit, accompanied by the required fee as specified in §3031.

F. Revised Permits. The change of a permittee's employer, home address or mailing address requires a revised permit. Permits requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The permit holder and an employer must submit written notification within 10 days of the necessary change, with surrendered permit, accompanied by the required fee as specified in §3031.

G. Nontransferable. A permit is not transferable from one person to another.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3021. Alteration of Certificates, Licenses or Permits

Alteration of certificates of registration, licenses or permits renders them invalid and is the basis for administrative actions in accordance with R.S. 40:1660, 40:1651 et. seq. and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3023. Applications for Certificates of Registration

A. Applications for certificates of registration for firms and branch offices shall be in writing on the forms provided by the state fire marshal and accompanied by the required fee as specified in §3031.A.

B. The application for certificates of registration shall:

1. be executed by the sole proprietor, by each partner of a partnership, or by the authorized officer of a corporation or association;

2. identify the type of certificate or certificates requested;

3. identify the principal place of business; R.S. 40:1653;

4. identify the location of each branch office; R.S. 40:1653(A);

5. identify the firm's Louisiana sales tax number and federal tax number;

6. be accompanied by:

a. at least one application with fee from an employee seeking to obtain a technician's license in each class of certification;

b. a current certificate of insurance issued to the Office of State Fire Marshal as required by R.S. 40:1654;

c. a current certificate of insurance issued to the Office of State Fire Marshal as required by R.S. 40:1654. The minimum amount of liability insurance shall be determined by the class of certification and shall be as follows:

| | | |
|----------------------------|------------------|---------|
| i. Class A Certificate | (portables) | \$ 300 |
| ii. Class B Certificate | (pre-engineered) | \$ 500 |
| iii. Class B-1 Certificate | (hood) kitchen | \$ 500 |
| iv. Class C Certificate | (engineered) | \$1,000 |
| v. Class D Certificate | (alarm) | \$ 500 |
| vi. Class D-1 Certificate | (small alarm) | \$ 300 |
| vii. Class E Certificate | (hydrostatic) | \$ 500 |

7. be accompanied by a copy of the D.O.T. letter registering applicant's facility which awards a registration number to the facility if the firm desires a Class "E" (hydrostatic) certificate of registration. A copy of the firm's identifying mark (symbol) must accompany the original application.

C. The application shall also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premise, building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of R.S. 40:1651 et seq. and these rules.

D. When the applicant has completed the requirements contained above, a pre-certification inspection may be conducted at the facility of the applicant to determine that the equipment requirements contained in §3057 have been met. The office may inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the certificate of registration. After issuance of a certificate of registration, such facilities may be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirement continues to be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), amended LR 17:972 (October 1991).

§3025. Application for Licenses

A. Original and renewal applications for a license from an employee of a registered firm shall be on forms provided by the

state fire marshal and accompanied by the required fee as specified §3031.

B. Applications for installer's and technician's licenses shall be accompanied by a written statement from the employer certifying the applicant's competency to install, service, and/or certify those systems for which the applicant desires to become licensed.

C. Applicants for installer's and technician's licenses will not be accepted unless accompanied by a form that pre-registers the applicant for any applicable tests and the proper fees as listed in §3031.B for the competency examination required by §3033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3027. Application for Apprentice Permit

A. Apprentice Permits. Each person employed as an apprentice by a registered firm shall apply for a permit on a form provided by the state fire marshal and accompanied by the required fee as specified in §3031.

B. Due to the supervisory requirements of R.S. 40:1653(D), no competency examination is required for an apprentice permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3029. Fees - General Information

A. Every fee required in accordance with the provisions of R.S. 40:1651 et seq. and these rules, shall be paid by check or money order made payable to the Office of State Fire Marshal. Cash cannot be accept.

B. Fees shall be paid at or mailed to the Office of the State Fire Marshal at 5150 Florida Blvd., Baton Rouge, Louisiana 70806.

C. Late fees are required by R.S. 40:1651 et seq. on all certificates of registrations or license holders who fail to submit renewal applications on or prior to their expiration date.

D. A renewal application accompanied by the required renewal fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate or license being renewed.

E. Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

F. Certificates or licenses which have been expired for two years or more cannot be renewed, and the holders must reapply for a new license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3031. Fees - Specific Information

A. Certificates of Registration Fees

1. Original (Initial) Application Fees. Except for Class E certificate of registration, which is \$50, the class of certification selected is \$450, while each additional class of certification is \$100 per additional class. Note: regardless of how many classes you originally desire, Class E certification will remain \$50.

| | |
|---|------------|
| a. Original certification fee [R.S. 40:1653(A)] | \$450 |
| b. Each additional certification fee | \$100 each |
| c. Original hydrostatic testing certification fee [R.S. 40:1653(E)] | \$50 |

2. Renewal Fees

a. The renewal fees assessed for a timely application for a certification of registration shall be as follows:

| | | |
|----------------------------|------------------|-------|
| i. Class A Certificate | (portables) | \$150 |
| ii. Class B Certificate | (pre-engineered) | \$100 |
| iii. Class B-1 Certificate | (hood) kitchen | \$ 50 |
| iv. Class C Certificate | (engineered) | \$100 |
| v. Class D Certificate | (alarm) | \$100 |
| vi. Class D-1 Certificate | (small alarm) | \$ 50 |
| vii. Class E Certificate | (hydrostatic) | \$ 50 |

b. A penalty shall be assessed in accordance with R.S. 40:1657(E) for the untimely renewal of a certificate of registration.

c. Late. Expired more than two years. There is not renewal. Certificate or license holder must reapply for a new license.

| | |
|---|-------|
| 3. Change in ownership [R.S. 40:1653(B)] | \$450 |
| 4. Changes or alterations [R.S. 40:1653(B)] | \$ 20 |
| 5. Duplicate certificates of registration [R.S. 40:1653(B)] | \$ 20 |

B. Branch Office Fees

1. Original (Initial) Application Fees. Regardless of how many classes of certification of registration selected by the applicant the original (initial) fee for a branch office is always \$100, except for late renewals. This includes branch offices of firms certified in hydrostatic testing.

2. Renewal Fees

a. Timely. Regardless how many classes of certification of registration the reapplying firm has, the timely renewal fee for a branch office certificate of registration is always \$100.

b. Late—Expired One Day to 90 Days. Regardless how many classes of certification of registration the reapplying firm has, the late renewal fee for a branch office certificate of registration is always \$150.

c. Late—Expired 91 Days, but Less Than Two Years After Expiration. Regardless how many classes of certification of registration the reapplying firm has, the late renewal for a branch office in this case is always \$250.

d. Late—Expired More than Two Years. There is no renewal. Certificate holder must reapply for a new certificate of registration.

| | |
|---|-------|
| 3. Change in ownership [R.S. 40:1653(B)] | \$100 |
| 4. Changes or alterations [R.S. 40:1653(B)] | \$ 20 |
| 5. Duplicates [R.S. 40:1653(B)] | \$ 20 |

C. Fees for all Classes of Licenses Except Class E

1. Original (Initial) License Application Fees. The first class of license selected is \$50, while each additional license is \$10 each.

| | |
|--|------------|
| a. Original (initial) license fee [R.S. 40:1653(C)(2)] | \$ 50 |
| b. Each additional license fee | \$ 10 each |

2. Renewals Fees

a. Timely. The first class of license selected in a renewal is \$50, while each additional class of license renewed is \$10.

| | |
|--|------------|
| i. First timely renewal license fee | \$ 50 |
| ii. Each additional timely renewal license fee | \$ 10 each |

b. Late—Expired One Day to 90 Days

| | |
|---|------------|
| i. First late renewal license fee | \$ 75 |
| ii. Each additional late renewal license fees | \$ 15 each |

c. Late—Expired 91 Days, but Less Than Two Years

| | |
|-----------------------------------|-------|
| i. First late renewal license fee | \$100 |
|-----------------------------------|-------|

- ii. Each additional late renewal fee \$ 20 each
- d. Late—Expired More Than Two Years. There is no renewal. License holder must reapply for a new license.
 - 3. Changes or alteration fees [R.S. 40:1653(B)] \$ 20
 - 4. Duplicate license fees [R.S. 40:1653(B)] \$ 20
 - 5. Initial competency examination fee (nonrefundable) [R.S. 40:1653(C)(2)] per exam \$ 30
 - 6. Re-examinations fee (nonrefundable) [R.S. 40:1653(C)(2)] per re-exam \$ 20
- D. Apprentice Permit Fees.
 - 1. Original (initial) permit fees [R.S. 40:1653(D)] \$ 30
 - 2. Changes or alterations [R.S. 40:1653(B)] \$ 20
 - 3. Duplicate permits [R.S. 40:1653(B)] \$ 20
- E. Fees for Class E Licenses
 - 1. Original (initial) license fee \$ 25
 - 2. Renewal license fee \$ 25

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), amended LR 17:972 (October 1991).

§3033. Examinations

A. Applicants for licenses are required to take an examination and obtain at least a grade of 70 percent in each appropriate section of the examination. Examinations may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The content, frequency and location of the examination shall be set by the state fire marshal.

B. The installer's license examination will include the following:

- 1. a section on these rules and R.S. 40:1651 et seq.;
- 2. a section on the installing and servicing those types of systems or devices for which the applicant desires to be licensed.

C. The technician's license examination will include the following:

- 1. a section on these rules and R.S. 40:1651 et seq.;
- 2. a section on the planning, certifying, installing and servicing of those types of systems for which the applicant desires to be licensed.

D. The standards used in examinations will be those adopted by the Office of State Fire Marshal.

E. Applicants who fail any section may file a reexamination application accompanied by the required fee and retake the failed section(s).

F. A person whose license has been expired for two years or longer must take and pass another examination prior to the issuance of a new license. No examination is required for a licensee whose license is renewed within two years of expiration.

G. A person who desires to take a competency test must first pre-register for that test with the state fire marshal's office on a pre-registration form provided by the office. The appropriate testing fees must accompany the pre-registration.

H. Results. Examination scores shall be mailed to the applicants address as listed on the pre-registration form within 30 after completing the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1653.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3035. Installation, Inspection and Service

A. Portables

1. Portables shall be installed, inspected, serviced and maintained in compliance with NFPA 10 of 1988.

2. A service tag shall be securely attached by the licensee to the portable upon completion of any work.

3. When conditions described in Section 5 - 1.3 of NFPA 10 are found, a red tag shall be securely attached to the cylinder by the licensee and the owner shall be notified. Such action is not required if the portable is removed from service and destroyed by or at the owner's direction.

B. Record Tag. Each six year maintenance shall be recorded on a record tag consisting of a decal which shall be affixed (by a heatless process) on the exterior of the extinguisher shell. The decal shall either be metallic or of a durable material which does not corrode and which remains affixed to the extinguisher for the required period. The decal shall also not fade, wash away, or otherwise become illegible. The record tag shall contain the following information: year and month that the six year maintenance was performed and the name of the firm and its certificate number, and the initials of the person performing the maintenance and his license number. This paragraph supersedes Section 4-4.3.1 in NFPA 10, 1988 edition.

C.1. In addition to any other tag required by this rule, beginning April 1, 1991, an internal record tag shall be provided each time an extinguisher is opened up for any type of maintenance or for any purpose. The following types of

extinguishers are exempt from this requirement: carbon dioxide extinguishers; halogenated vaporizing liquid fire extinguishers; external cartridge operated extinguishers; and extinguishers containing water.

2. The approved standard internal maintenance tag shall be at least 2 x 3 on durable material either white or yellow in color with a pressure sensitive adhesive backing conforming to the standards of U.L. No. 969.

D. Internal maintenance tags shall bear the following:

1. license number of the person who performed the maintenance;

2. day, month and year that the maintenance was performed.

E. A new internal maintenance tag shall be provided for an extinguisher each time internal maintenance is performed for any purpose.

F. Internal maintenance tags shall be affixed in the following manner:

1. any tag previously attached shall be removed prior to affixing a new tag;

2. the area to which the tag is to be adhered shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag;

3. the tag shall be placed within 1 inch of the top of the siphon tube below the valve assembly;

4. the adhesive side of the tag shall be tightly adhered against the tube, in accordance with the manufacturer's recommended procedures;

5. the tag shall be pressed and adhered solidly around the tube and the information must remain accessible and legible at all times. Under no circumstances shall the required information be written directly on the siphon tube.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3037. Fixed Fire Extinguisher Systems, Alarm and Detection

A. Fixed systems including pre-engineered and engineered shall be installed, inspected, serviced, and maintained in compliance with the manufacturer's installation manuals, specification, and the applicable NPPA standards adopted in §3053.

B. Fixed systems shall be designed, installed and serviced by certified companies having licensed personnel working within their certification and licensing discipline. In cases where disciplines cross over, i.e., AFFF foam systems and sprinkler systems, the following reasoning will prevail:

1. Automatic detection and control systems will be

designed, installed, and serviced by firms certified to install fire detection and alarm systems. Exception to this is if it is just the detection devise associated with the actuation of an engineered or pre-engineered system, then the fire detection and alarm firm is not needed. However, any connection of that engineered or pre-engineered system to any alarm initiated system, i.e. enunciator panels, HBAC shutdown, etc, then a firm certified in fire detection and alarms must install and/or be subcontracted to do the installation.

2. Water supply and distribution piping systems servicing foam-water systems will be designed, installed, and serviced by firms certified in sprinkler systems. Foam systems providing foam solution to fire monitors, portable nozzles, or fire trucks are excluded from this ruling.

3. Alarm devices such as flow switches, pressure switches, low air pressure switches that are an integral part of the piping system will be installed by certified sprinkler contractors. Interface to the supervisory control system is to be designed, serviced, and installed by contractors certified in fire detection and alarm systems.

C. A service tag shall be securely attached by the licensee to the system upon completion of the work. A red tag shall be attached to any system, new or old, which in the course of installation or service must be left unattended in any condition other than fully automatic operation of the system in all required appurtenant devices.

D. When an impairment or hazard extension (modification) is found, subsequent to installation, a red tag shall be attached and recommendations shall be filed with the owner, the local authority having jurisdiction, and the state fire marshal. A service tag shall not be installed on the system until the matter has been corrected and the system found to be in full operating condition. When an operational system is found that has met the appropriate adopted standards when installed, but does not presently meet the standards, a letter stating the shortcomings shall be sent to the owner with informational copies to both the local authority having jurisdiction and the state fire marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3039. Hydrostatic Tests

All hydrostatic testing shall be conducted in compliance with U.S. Department of Transportation hydrostatic testing requirements, or, where applicable, in compliance with NFPA 10 of 1988. The owner shall be informed of a needed test or replacement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3041. Service Tags

A. A service tag shall be completed and attached to a portable fire extinguisher, a fixed fire extinguisher or a fire detection and alarm system after it has been serviced or installed indicating all work that has been done. The service tag shall be attached to the system in such a way as not to hamper its actuation and operation, and must be completed as specified in Subsection C below.

B. A new service tag shall be completed and attached each time an inspection or service is performed.

C. Service tags shall be formatted in accordance with the sample tag in Subsection G of this Section, and shall contain all of the information listed below:

1. "Do not remove by order of the state fire marshal" (all capital letters, at least 10-point bold face type);
2. firm's name and address;
3. firm's certificate of registration number;
4. licensee's name and number;

5. licensee's signature;
6. month and year (to be punched);
7. type of work (to be punched);
8. list service performed;
9. owner's name and address;
10. serial number of portable extinguisher, fixed system cylinder, or system control panel.

D. Tags shall be 5¼ in height and 2e inches in width and shall not be red in color.

E. Firms shall print their own tags, and forward one to the state fire marshal for incorporation in the firm's file.

F. Service tags remain the property of the certified firm and may be removed only by authorized employees of certified firms or employees of the state fire marshal's office.

G. Sample Service Tag. After April 1, 1991 every service tag shall conform to the following format:

SERVICE TAG

FRONT

BACK

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-----|-----|-----|------|------|------|------|------|-----|-----|------|-----|--|--|--|--|------|--|------|--|------|--|--|------|
| DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL | | | | | | | | | | | | | | | | | | | | | | | | | |
| Name And Address of Firm | <table border="1" style="font-size: small; border-collapse: collapse;"> <tr><td>JAN</td><td>FEB</td><td>MAR</td><td>APR</td><td>MAY</td><td>JUNE</td><td>JULY</td><td>AUG</td><td>SEP</td><td>OCT</td><td>NOV</td><td>DEC</td></tr> <tr><td></td><td></td><td></td><td></td><td>1992</td><td></td><td>1993</td><td></td><td>1994</td><td></td><td></td><td>1995</td></tr> </table> | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEP | OCT | NOV | DEC | | | | | 1992 | | 1993 | | 1994 | | | 1995 |
| JAN | | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEP | OCT | NOV | DEC | | | | | | | | | | | | | |
| | | | | | 1992 | | 1993 | | 1994 | | | 1995 | | | | | | | | | | | | | |
| (Firm Cert. of Reg.#) | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Licensee's Name) | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Licensee's #) | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Signature) | | | | | | | | | | | | | | | | | | | | | | | | | |
| INSPECTION <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| RECHARGED <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| SERVICED <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| INSTALLATION <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |

| |
|---|
| Extinguisher Type, Size, Location and Serial #: ----- ----- ----- |
| Owner's Name and Address: ----- ----- ----- |
| Type of Service Performed: ----- ----- |

H. If impairments are found, the owner or his representative and the authority having jurisdiction shall be

notified and a red tag completed and attached. In the event the owner will not authorize correction necessary to pass

inspection, the state fire marshal shall also be notified by a certified firm. A service tag shall not be attached until the impairments have been corrected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3043. Red Tags

A. Red tags shall be the same size as service tags which is defined in §3041.D.

B. Red tags shall be attached to all portables and systems that are impaired due to failure to meet minimum standards.

C. Red tags shall bear the following information in the format of the sample tag shown in Subsection F of this Section:

1. "Do not remove by order of the state fire marshal" (all capital letters at least 10-point bold face type);

2. firm's name and address;
3. firm's certificate of registration number;
4. licensee's name and number;
5. licensee's signature;
6. day, month and year (to be punched);
7. impairments; and
8. serial number of all portables and systems;
9. owner's name and address.

D. Firm's shall print their own tags and forward one to the state fire marshal for incorporation in the certified firm's file.

E. Red tags remain the property of the certified firm and may be removed only by authorized employees of certified firms or employees of the state fire marshal's office.

F. Sample Red Tag

| FRONT | BACK | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|------|-----|------|-----|------|------|------|-----|------|-----|-----|------|--|------|--|------|--|------|--|------|--|------|--|--|
| <p>DO NOT REMOVE</p> <p>BY ORDER OF</p> <p>THE STATE FIRE MARSHAL</p> <p>Name & Address of Firm</p> <p>----- (Firm Cert. of Reg #</p> <p>----- (Licensee Name)</p> <p>----- (License Number)</p> <p>----- (Licensee Signature)</p> | <p>EXTINGUISHER TYPE, SIZE AND LOCATION:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>OWNER'S NAME AND ADDRESS:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>TYPE OF IMPAIRMENT:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>SERIAL # OF EQUIPMENT:</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">JAN</td><td style="padding: 2px;">FEB</td><td style="padding: 2px;">MAR</td><td style="padding: 2px;">APR</td><td style="padding: 2px;">MAY</td><td style="padding: 2px;">JUN</td><td style="padding: 2px;">JULY</td><td style="padding: 2px;">AUG</td><td style="padding: 2px;">SEP</td><td style="padding: 2px;">OCT</td><td style="padding: 2px;">NOV</td><td style="padding: 2px;">DEC</td> </tr> <tr> <td style="padding: 2px;">1991</td><td style="padding: 2px;"> </td><td style="padding: 2px;">1992</td><td style="padding: 2px;"> </td><td style="padding: 2px;">1993</td><td style="padding: 2px;"> </td><td style="padding: 2px;">1994</td><td style="padding: 2px;"> </td><td style="padding: 2px;">1995</td><td style="padding: 2px;"> </td><td style="padding: 2px;">1995</td><td style="padding: 2px;"> </td> </tr> </table> | JAN | FEB | MAR | APR | MAY | JUN | JULY | AUG | SEP | OCT | NOV | DEC | 1991 | | 1992 | | 1993 | | 1994 | | 1995 | | 1995 | | |
| JAN | FEB | MAR | APR | MAY | JUN | JULY | AUG | SEP | OCT | NOV | DEC | | | | | | | | | | | | | | |
| 1991 | | 1992 | | 1993 | | 1994 | | 1995 | | 1995 | | | | | | | | | | | | | | | |

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3045. Prohibited Portables and Cylinders

The following portable fire extinguishers and cylinders are prohibited from use:

1. carbon tetrachloride portables;
2. portables without labels of an approved testing laboratory;
3. portables or fixed system cylinders without proper identifying labels or name plates;
4. any portable or cylinder prohibited by the adopted NFPA standards listed in §3053;
5. systems without listing (UL).

AUTHORITY NOTE: Promulgated in accordance with R.S. 1659.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3047. Enforcement

A. The state fire marshal is authorized and directed to enforce the provisions of R.S. 40:1651 et seq. and these rules. The state fire marshal shall make, or cause to be made, inspections from time-to-time, and as circumstances dictate to determine that portable fire extinguisher, fixed fire extinguisher and fire detection and alarm firms and their employees are engaging in business practices in accordance with the requirements of R.S. 40:1651 et seq. and Chapter 30.

B. Such inspections shall be made by the state fire marshal or his representative. Where any inspection discloses a violation of the law or these rules, the firm or person responsible for correcting the violation as well as the building owner or occupant shall be notified within 30 days after completion of the inspection report. In all cases where a violation is not corrected within the time frame prescribed by this office, the state fire marshal shall take all steps necessary to enforce correction of the violation and may initiate appropriate administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1660.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3049. Administrative Actions

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 a registered firm, licensee or permit holder, or an applicant for registration, license or permit, failed to comply with the provisions of these rules and/or R.S. 40:1651 et seq. Furthermore, those engaging

in false, misleading or deceptive acts or practices shall be subject to the same administrative action listed in the after written sentence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1660.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3051. Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application. To this end, all provisions of these rules are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3053. Adopted Standards

The office adopts by reference in their entirety the following copyrighted standards published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts, 02269. A copy of the standards shall be kept available for public inspection in the office of the state fire marshal.

1. NFPA 10 - 1988, Portable Fire Extinguishers;
2. NFPA 11 - 1988, Low Expansion Foam and Combined Agent Systems;
3. NFPA 11A - Medium and High Expansion Foam Systems;
4. NFPA 12 - 1989, Carbon Dioxide Extinguishing Systems;
5. NFPA 12A- 1989, Halon 1301 Fire Extinguishing Systems;
6. NFPA 12B- 1985, Halon 1211 Fire Extinguishing Systems;
7. NFPA 17 - 1990, Dry Chemical Extinguishing Systems;
8. NFPA 17A - 1990, Wet Chemical Extinguishing System;
9. NFPA 70 - 1990, National Electric Code;
10. NFPA 69 - 1986, Explosion Prevention System;
11. NFPA 71 - 1990, Installation, Maintenance, and Use of Signaling Systems for Central Station Service;
12. NFPA 72A - 1987, Installation, Maintenance, and Use of Local Protective Signaling Systems;
13. NFPA 72B - 1986, Installation, Maintenance and Use

of Auxiliary Protective Signaling Systems;

14. NFPA 72C - 1986, Installation, Maintenance and Use of Remote Station Protective Signaling Systems;

15. NFPA 72D - 1986, Installation, Maintenance and Use of Proprietary Protective Signaling System;

16. NFPA 72E - 1987, Automatic Fire Detectors;

17. NFPA 72F - 1985, Installation, Maintenance, and Use of Emergency Voice/Alarm Communication Systems;

18. NFPA 72G - 1989, Installation, Maintenance and Use of Notification Appliances for Protective Signaling Systems;

19. NFPA 72H - 1988, Testing Procedures for Local, Auxiliary Remote Station and Proprietary Protective Signaling Systems;

20. NFPA 75 - Compressed Gas;

21. NFPA 96 - 1984, Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooking Equipment;

22. United States Department of Transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3055. National Recognized Testing Laboratory

A. The criteria for recognition by the Office of State Fire Marshal as a "nationally recognized testing laboratory" shall be as follows: The applicant laboratory's portable fire extinguisher testing standards shall meet or exceed the best listed national standards:

1. Fire Test Standards: ANSI/UL 154, CAN4-S503-M83

2. Performance Standards:

a. CO₂ Types: ANSI/UL 154, CAN4-S503-M83

b. Dry Chemical Types: ANSI/UL 299, ULC-S504

c. Halon Types: ANSI/UL 1093, ULC-S512

d. 2½ Gallon Stored Pressure Water Types: ANSI/UL 626

e. Factory Follow-up on Third Party Certified Portable Fire Extinguishers: ANSI/UL 1803

f. Foam Types: ANSI/UL 8

B. The applicant laboratory shall maintain a follow-up inspection program to confirm that the manufacturer is providing the controls, inspections, and tests necessary to assure that all current manufactured extinguishers will meet the laboratory's testing standards. This follow-up inspection shall occur no less than once each six months for the first two years and once each year thereafter.

1. The application by a testing laboratory for recognition by the state fire marshal as a "nationally recognized testing laboratory" shall not be on any particular form but shall include all of the information and material requested in Paragraph 2 below:

2.a. the address and telephone number of the main facility and all branch offices;

b. a current organizational chart showing the relationship between administration, operation, and quality control;

c. resumes of the education and experience of key personnel;

d. a floor plan of the main facility and all branch offices indicating location of the equipment used for testing portable fire extinguishers;

e. a list of all equipment used to test portable fire extinguishers, identified by manufacturer, model number and serial number; detailed plans and specifications shall be submitted on any testing equipment fabricated by the applicant;

f. procedures for selecting, receiving, storage, handling, and shipping of test specimens;

g. test standards and procedures most frequently used;

h. method and frequency of test equipment calibration;

i. procedure for safekeeping of records and files;

j. copies of all data sheets and test report forms;

k. facsimiles of all contracts executed between the testing laboratory and portable extinguisher clients;

l. procedure for periodic updating of the report;

m. method of distributing test reports and certifications, including an indication of who may obtain copies of the final reports and how the reports may be obtained;

n. a copy of the laboratory's partnership agreement, if a partnership, or of the articles of incorporation, if a corporation, and a copy of any by-laws;

o. a list of all the portable fire extinguishers presently listed by the testing laboratory showing the manufacturer and the model number;

p. copies of the test reports on all listed portable extinguishers which must be in sufficient detail to provide for complete verification and evaluation of the operations and objectives, and must include the signature of personnel performing the test and must also include the name of the supervisory engineer;

q. whether the applicant testing laboratory has been recognized as a "nationally recognized testing laboratory" by any other state or by an organized, voluntary recognized organization such as the National Voluntary Laboratory

Association Program and whether recognition by any other state or organization has been denied;

r. how long the applicant testing laboratory has tested portable extinguishers;

s. a notarized statement of independence which shall state that, with reference to the laboratory's test of portable extinguishers:

i. there are no managerial affiliations with any producer, supplier, or vendor;

ii. there are no securities investments in any portable extinguisher product line;

iii. the employment security of personnel is free from influence by any producer, supplier or vendor of portable extinguishers;

iv. there are no stock options in any portable extinguisher product line;

v. the laboratory is not owned, operated, or controlled by any producer, supplier, or vendor of portable extinguishers.

3. Upon receipt of a complete application, the state fire marshal shall either accept or deny the application. If the application is accepted, the state fire marshal shall notify the laboratory and enter the laboratory on its list of acceptable testing laboratories. If the application is denied, the state fire marshal shall notify the applicant in writing, stating the reasons for denial and informing the applicant of its rights.

4.a. Testing laboratories recognized as "nationally recognized" may be subject to random, unannounced inspections to verify the adequacy of their facilities.

b. Testing laboratories accepted as "nationally recognized" are required to notify the state fire marshal within 30 days of any of the following:

i. change in the company name or the company address;

ii. changes in any major test equipment;

iii. establishment of a new branch office or facility at which portable fire extinguishers are to be tested;

iv. changes in principal officers, key supervisory personnel, or key testing personnel in the company.

C. The office approves Underwriters Laboratories, Inc., Factory Mutual Research Corporation and the United States Testing Company, Inc. as nationally recognized testing laboratories for the purposes of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3057. Equipment and Facilities

A. Each certified business location shall be required to possess the equipment listed below in accordance with the license required. Exceptions to the required equipment may be made upon written request of the applicant and for good cause shown.

B. Minimum Equipment and Facilities Requirements. The following equipment may be required depending upon the firm's class of certification:

1. adequate hydrostatic test equipment for high pressure testing and calibrated cylinder;

2. adequate equipment for test dating high pressure cylinders (over 900 PSI). Die stamps must be minimum of ¼ inch;

3. clock with sweep second hand on or close to hydrostatic test apparatus;

4. CO₂ receiver - cascade system CO₂, for proper filling of CO₂ extinguishers;

5. conductivity tester;

6. approved drying method for high and low pressure cylinders;

7. proper wrenches with nonserrated jaws or valve puller, hydraulic or electric;

8. adequate inspection light;

9. low pressure test apparatus;

10. low pressure hydrostatic test labels as required by rule Chapter 4A-21;

11. scales graduated in ¼ ounce for weighing CO₂ cartridges. Must be certified accurate annually;

12. accurate weighing scales for extinguisher inspection and filling. Must be certified accurate annually;

13. adequate vise, 6-inch minimum (chain or bench);

14. facilities for proper storage of dry chemicals;

15. facilities for leak testing of pressurized extinguishers;

16. nitrogen with regulator and indicator. Regulator not to exceed 1500 PSI - minimum 500 PSI. The indicating gauge for the regulator shall have a second gauge of the same type and range for the purpose of monitoring accuracy;

17. adapters, fittings and sufficient tools and equipment for properly servicing and/or recharging all extinguishers and pre-engineered systems being serviced and recharged;

18. adequate safety cage (in shop) for hydrostatic testing of low pressure cylinders;

19. ½ pound graduated scales minimum 150 pounds for weighing chemical recharging. Must be certified accurate annually;

20. cable crimping tool (where required);
21. cocking lever (where required);
22. pipe vise, dies, reamer, etc.;
23. adequate stock and supply of fuse links, proper elbows and nozzles for system which is being installed;
24. adequate supply of dry chemicals in proper storage;
25. at the investigator's request, dealer should produce UL listed installation and service manuals for any system being serviced or installed by the license holder;
26. maintenance and recharge manuals for extinguishers being serviced;
27. closed recovery system for reusing dry chemical;
28. NFPA 10, 34, 96, 231, 231D, 302, 408, CGA, C-6, C-6.1 for class "A" only CGA C-1 CFR 49;
29. NFPA 12, 12A, 12B, 34, 17, 17A;
30. closed recovery system for removal of Halon.

C. The office may require additional equipment at a later date should it be deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).

§3059. Plan Review

Plans for designing or installing fixed fire extinguisher systems or fire detection and alarm systems must be done in accordance with R.S. 40:1574 Parts A and B. This procedure is not required for plans that will go in sites, such as offshore drilling platforms, that are outside the three-mile limit of the state's jurisdiction. For the purpose of computing the Fire Marshal plan review fee, devices shall be defined as follows:

1. For fire suppression systems (Halon, CO₂, etc.): the distribution nozzles and the automatic detectors shall be considered as devices.

2. For fire detection and alarm systems: the automatic detectors, the manual pull stations and the annunciators shall be considered devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1658.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991).