

RULE

Department of Public Safety and Corrections Office of the State Fire Marshal

Property Protection Licensing (LAC 55:V.Chapter 32)

In accordance with the provisions of R.S. 49:950 et seq. and R.S. 40:1484.3, relative to the authority of the state fire marshal to promulgate and enforce rules, relative to the regulation of Life Safety and Property Protection, in particular, Security, Household Fire Warning, Locksmiths, Stand Alone Electro/Mechanical, Door Hardware, Door Hardware Consultation, Bank Locking, Detention Locking, Gate Systems, Special Locking and Closed Circuit Television Equipment and/or Systems, the Office of the State Fire Marshal adopts the following Rule.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 32. Property Protection Licensing

§3201. Purpose

A. The purpose of these Rules is to regulate the activity of certifying, designing, inspecting, installing, integrating, maintaining, selling and servicing of security, household fire warning, stand alone electro/mechanical locking, door hardware, door hardware consultation, bank locking, bank auxiliary, detention locking, gate systems, special locking and closed circuit television equipment and/or systems in the interest of protecting and preserving lives and property pursuant to authority of R.S. 40:1664.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2736 (September 2011).

§3203. Applicability of Rules

A. These Rules shall apply to all firms and persons engaged in property protection activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2736 (September 2011).

§3205. Exceptions

A. These Rules shall not apply to the following:

1. firms and/or persons engaging in the activity of certifying, inspecting, installing, integrating, or servicing fire detection and alarm equipment and/or systems in commercial businesses;

2. the certifying, inspecting, installing, integrating, or servicing of security or CCTV equipment and/or systems by building owners or their direct employees;

3. public agencies and their direct employees engaging in the activity of certifying, inspecting, installing, integrating, or servicing camera systems in public vehicles;

4. law enforcement agencies or private investigation firms currently licensed by the Louisiana Board of Private Investigators installing camera systems in conjunction with an

active investigation. Individual private investigators must be licensed through a private investigation firm with the Louisiana Board of Private Investigators to be exempt from this Subpart;

5. firms and/or persons who sell security, locking and/or camera systems and equipment at wholesale to contractors licensed per R.S. 40:1664.1 et seq.;

6. general contractors and their employees who are properly licensed through the Louisiana State Board of Contractors or a building owner that installs or removes complete stand alone electro-mechanical locks when doing so in the course of residential or commercial new construction or remodeling. Additionally, the general contractor can install all associated hardware specified to be installed on the door. This exemption only applies to the firm which is acting as the general contractor on the project. It does not apply to other firms which hold a General contractor's license but are only acting as a sub-contractor on the project;

7. any merchant or retail store that is in the business of recoding new locks on the retail premises. Locks must be purchased at the same location and recoded at the time of purchase;

8. firms and/or persons who only install bank locking equipment, including but not limited to, vaults, safes, automatic teller machines, and/or safety deposit boxes, while doing so in conjunction with a licensed locksmith or bank locking contractor. The licensed locksmith or bank locking contractor shall certify the installation;

9. any manufacturer, and his employee or representative, who acts as a consultant to a certified firm in the certifying, inspecting, installing, integrating, or servicing of property protection systems and/or equipment while under the direct supervision of the certified firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2736 (September 2011).

§3207. Notices by the Fire Marshal

A. Any notice required to be given by the state fire marshal by any provision of R.S. 40:1664.1 et seq., or these rules must be given by personal or domiciliary service or mailed, postage prepaid, to the person's residence or firm address as it appears on the records in the Office of State Fire Marshal. It is the responsibility of the person or firm involved to ensure that the Office of the State Fire Marshal has a correct address for the person or firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2737 (September 2011).

§3209. Certificate, License Required

A. Each firm engaged in property protection activity shall apply for a certificate of registration in the endorsements of certification desired in accordance with these Rules prior to conducting any such activity in this state.

B. Each person or employee, including apprentices, engaged in property protection activity shall apply for a license in the endorsements of licensure desired in accordance

with these Rules prior to conducting any such activity in this state.

C. Any firm and/or person described in A or B of this section, which has not applied for and received a current and valid certificate of registration or license, shall immediately cease such activities. The Office of State Fire Marshal shall take all steps necessary to enforce an order to cease and desist and pursue administrative penalties against violators of this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2737 (September 2011).

§3211. Definitions

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

Access Control Systems—those locking systems and equipment as outlined in NFPA 101 designed to restrict entry into an area, room, building or space. These systems require an annual certification.

Apprentice—a person who is licensed to work under the direct supervision and accompaniment of a technician who is licensed to the same firm and holding a valid license to perform the same acts.

Apprentice Endorsement—that document issued by the state fire marshal to an employee to engage in property protection activity while under the direct supervision of a technician who is licensed to the same firm and holding a valid license to perform the same acts.

Bank Auxiliary Systems—systems and equipment which are found in financial institutions but are not directly associated with locking systems. Such systems, include but are not limited to, after hour depositories, tube systems, teller audio/video systems, and automatic teller machines, excluding the safe.

Bank Auxiliary Systems Endorsement—that document issued by the state fire marshal to an employee of a certified property protection firm to engage in property protection activity of bank auxiliary systems.

Bank Locking Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of bank locking systems and equipment.

Bank Locking Systems—locking systems and equipment found in financial institutions or designed for protection of financial transactions in other commercial businesses. Such systems and equipment include, but is not limited to, vaults, safes, automatic teller machines, cash dispenser, safe deposit boxes, tube systems, closed circuit television and depository systems and/or equipment. The term includes stand alone electro/mechanical locks but does not include security or special locking systems.

Certificate of Registration—that document issued by the state fire marshal to a firm authorizing it to engage in such activities as defined in these rules.

Certify—to attest to the proper functionality, inspection, installation, integration, maintenance, or service of property protection equipment and systems in accordance with all applicable engineered specifications, manufacturer's

specifications, the applicable NFPA codes and standards and the reviewed fire marshal plans.

Closed Circuit Television Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of closed circuit television systems and equipment. This includes the connection of closed circuit television systems and equipment to computer systems or equipment.

Closed Circuit Television System—a system and its components which transmits video and/or audio signals or images via cameras, computer or other means. Transmissions may be done via hard wire, including, but not limited to, coaxial cable, fiber optic cable, network cable, internet protocol (IP), or wireless devices and means. The term includes security camera and/or surveillance camera systems.

Commercial Businesses—all buildings including, but not limited to, public, private and industrial structures. The term does not include one and two family dwellings.

Contact Person—that individual designated by a firm to act as liaison with the Office of the State Fire Marshal.

Delayed Egress Systems—those locking systems and equipment as outlined in NFPA 101 designed to impeded egress for a specified limited time from an area, room, building or space. These systems require an annual certification.

Design—to create a specific layout for a property protection system for the purpose of protecting persons and/or property. The term “layout of the system” only refers to those persons who physically create such layout after visiting the location. Design and/or layout of the system’s devices shall follow manufacturer’s recommendations and application limitations.

Detention Locking Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of detention locks and locking systems and equipment as related to cell areas in penal institutions and cell areas in other occupancies such as health care or business.

Detention Locking Systems—locking systems and equipment within a penal institution and in other occupancies having such systems and equipment in cell areas only. The term includes locks of various types including pin tumbler-standard and mogul types, lever and wafer tumbler, stand alone electro/mechanical and full electronic and pneumatic controlled locks. The term does not include special locking systems within non-cell areas of the building. These systems require an annual certification.

Direct Supervision—oversight given by a qualifier of a firm’s employees or by a technician of an apprentice while performing property protection activity. The qualifier, the technician and apprentice must be licensed to the same firm. A qualifier is considered to provide direct supervision of employees if he routinely engages and regularly reviews the daily property protection activity of the employees of the firm. For a technician to provide direct supervision of an apprentice, both must be physically present at the same work location. They are not required to constantly be in line of sight of each other.

Door Hardware—builders’ hardware or architectural hardware, including but not limited to, stand alone electro/mechanical locks, latches, exit hardware, closures and hinges mounted onto doors intended to operate and secure the

door properly. The term does not include special locking systems and equipment, doors or door frames.

Door Hardware Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of door hardware equipment and the consulting or the providing of technical advice regarding the selection of door hardware. The termination of these components to the building power system is not permitted. The term does not include special locking systems.

Door Hardware Consultant Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in the consulting and/or the providing of technical advice regarding the selection of door hardware.

Electronically Controlled Egress Door Assemblies—those locking systems and equipment as outlined in NFPA 101 designed to restrict entry into an area, room, building or space. The release of such locking systems incorporates a mechanical switch that interrupts power to a magnetic or electric lock. These systems require an annual certification.

Elevator Lobby Exit Access Door Assembly Locking Systems—those locking systems and equipment as outlined in NFPA 101 designed to restrict entry into an area, room, building or space from an elevator lobby. The release of such locking systems incorporates redundant features. These systems require an annual certification.

Employee—a person who works for a "firm" as defined by R.S. 40:1664.2 et seq., in return for financial or other compensation.

a. For the purposes of the licensing requirements, contained in R.S. 40:1664.2 et seq., employees shall not include secretaries, drivers or accounting or other administrative personnel.

b. For the purposes of licensing requirements, the firm owner or owners shall be considered an "employee" if he or she is or will be certifying, inspecting, installing, integrating, maintaining, selling and/or servicing security, household fire warning, stand alone electro/mechanical, special locking and closed circuit television equipment and/or systems.

Equipment Distributor—Those firms and/or persons who sell security, locking and/or camera systems and equipment at wholesale to property protection contractors licensed per R.S. 40:1664.1 et seq. Equipment distributors shall not engage in property protection contracting without being properly licensed per this Subpart.

Firm—a sole proprietorship, partnership, corporation, limited Liability Company or any other entity.

Gate System Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of Pedestrian or Vehicle Gate systems and equipment.

Health Care Locking Systems—locking systems and equipment within a health care facility as outlined in NFPA 101 that provides security for the patient based on the clinical needs of the patient. These systems require an annual certification.

Household Fire Warning Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of

fire detection and alarm systems in one and two family dwellings.

Household Fire Warning System—fire detection and alarm systems consisting of standalone and/or interconnected devices intended to detect and warn occupants of fire, smoke, heat, and/or poisonous gases. The term includes, but is not limited to, heat detectors, smoke detectors and carbon monoxide detectors. Systems and equipment may be powered by direct or alternating current power.

Inspection—a visual examination of a system or portion thereof to verify that it appears to be in operating condition and is free of physical damage.

Installation—the initial placement of property protection equipment and systems or an addition, extension, or alteration after initial placement.

Integration—the act of developing a unified and functioning property protection system and/or equipment in accordance with manufacturers' specification and/or NFPA codes and standards.

License—that document issued by the state fire marshal to an employee of a certified firm authorizing the employee to engage in the activities as defined by these rules.

Locksmith Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of stand alone electro/mechanical locks, closed circuit television or special locking systems and equipment.

Maintenance—work, including, but not limited to repair, replacement, and service, performed to ensure that equipment operates properly. It includes a thorough examination for physical damage or condition to prevent its operation and any necessary repair or replacement.

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

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

Officer—the president, vice president, secretary, treasurer, comptroller, general manager or any other person who performs functions corresponding to such positions for a property protection firm.

Operating Location—a physical office which houses employees and business documents or records and from which the acts authorized by the certificate of registration are performed. The office must be open and accessible during normal work hours. Business records must be maintained for a minimum of years. The use of a storage facility, telephone answering service or Post Office Box shall not constitute a location for purposes of this subpart. The office must physically reside within the boundaries of Louisiana.

Pedestrian Gate System—access controls or barriers used to prevent unauthorized entry to a building or area. Pedestrian gates may be secured by either stand alone electro/mechanical locks or special locking systems and equipment. These systems require an annual certification.

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

Pocket license—that document issued by the state fire marshal to an employee of a certified firm, in pocket size and

bearing a photographic image of the licensee, authorizing the employee to engage in the activities as defined by these rules.

Principal—a person or entity that has a controlling interest of a property protection firm regardless of the form of organization. "Principal" includes a person or entity entitled to exercise the prerogatives or indicia of ownership or control of a property protection firm whether by direct action, assignment, or any other kind of substitution or subrogation.

Property Protection Activity—the act of certifying, designing, inspecting, installing, integrating, maintaining, selling and/or servicing of security, household fire warning, stand alone electro/mechanical locking, special locking and closed circuit television equipment and/or systems pursuant to R.S. 40:1664.1 et seq.

Property Protection Equipment and Systems—those systems and equipment designed to protect persons and property from the dangers of fire, theft, unauthorized entry or other harmful actions or events.

Property Protection Sales and Design Endorsement—that document issued by the state fire marshal to an employee of a certified property protection firm who designs or sells a property protection system or equipment.

Qualifying Person—the employee of a firm who currently meets the certification, examination and/or training requirements set for each endorsement by the Life Safety and Property Protection Advisory Board. A qualifier shall physically reside within 150 miles of the operating location and work a minimum of 32 hours per week. The qualifier must be actively engaged in the direct supervision of the daily property protection activities for the firm and its employees for which they are authorized to perform.

Security Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of security, household fire warning, closed circuit television and/or special locking systems and equipment.

Security Systems—those assemblies of wiring, electronic transmitting devices, detection devices, and related equipment for the detection of theft, unauthorized entry or other physical harm to a structure's occupants or property.

Sell—to solicit on behalf of a property protection firm by any means for the sale or lease of a property protection system. The term includes, but is not limited to, solicitation via telephone or electronic devices, public notice or advertisement, door to door or any other type of personal interaction.

Service—the act of repair, bypass or replacement of property protection equipment/systems to ensure its proper functioning.

Special Locking System—electronic, magnetic and/or pneumatic locking systems and/or equipment actuated from a remote location. These systems are typically powered by the building power but may be battery powered only as well. The term includes, but is not limited to, access control, delayed egress, electrified hardware, magnetic locks, health care locks, pneumatic, pin, card reader, proximity, biometric, video/telephone, electronically controlled egress door assemblies, pedestrian and vehicle gates and remote control and wireless access systems and equipment. This would include any necessary mechanical equipment to complete the installation of the system.

Special Locking System Endorsement—that document issued by the state fire marshal to a firm or employee authorizing either to engage in property protection activity of special locking systems and equipment.

Stand Alone Electro/Mechanical Locks—locks that are operated by electric, electronic and/or mechanical means. They may not be powered by the building power. Stand alone electro/mechanical locks shall only be actuated at and physically mounted on the door leaf. Stand alone electro/mechanical locks include, but are not limited to, hotel room door locks, battery operated locks, push button locks, self-powered door locks, key fob and combination locks. The term does not include special locking systems and equipment.

Vehicle Gate Systems—an access control system or barrier used to prevent unauthorized entry to a building or area. Vehicle gates may be secured by either stand alone electro/mechanical locks or special locking systems and equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2737 (September 2011).

§3213. Certificates of Registration

A. Every firm must obtain from the state fire marshal a certification of registration with the appropriate endorsements as provided for by R.S. 40:1664.1 et seq., before engaging in the property protection activity of security, household fire warning, stand alone electro/mechanical locks, special locking systems and closed circuit television equipment and/or systems.

1. Each firm, as defined by R.S. 40:1664.1 et seq., shall have at least one licensed technician per endorsement of certification to perform the act or acts authorized by its certificate.

2. Each firm, as defined by R.S. 40:1664.1 et seq., shall have at least one licensed qualifier per endorsement of certification to perform the act or acts authorized by its certificate. When a firm only has one technician, the technician can also be the qualifier.

3. Firms as defined by R.S. 40:1664.1 et seq., and their owners shall be responsible for the acts of their agents and employees for the purpose of these rules including the initiation of administrative action by the state fire marshal.

B. The following shall apply to certificates of registration.

1. Posting. Each certificate shall be posted conspicuously at each firm and/or branch office premises.

2. Changes of Ownership. The change of a firm's majority ownership invalidates the current certificate. To assure continuance of the firm's ability to conduct property protection contracting, an application for a new certificate shall be submitted to the state fire marshal within 10 days after such change in ownership.

3. Change of Corporate Officers. Any change of corporate officers within the licensure period, must be reported in writing to the state fire marshal within 10 days of the change. This change does not require a revised certificate.

4. Duplicates. 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 these rules.

5. Revisions/Changes. The change of a firm's name, location, or mailing address or operating status requires a revision of the certificate of registration. Certificates of registration requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The firm must submit written notification of the change with the surrendered certificate of registration, accompanied by the required fee specified in by R.S. 40:1664.1 et seq.

6. Non-Transferability. A certificate of registration is not transferable from one firm to another.

7. Validity. A certificate of registration is valid for one year from date of issue, and must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2740 (September 2011).

§3215. Licensure

A. Required. Each person who engages in property protection activity of security, household fire warning, stand alone electro/mechanical locks, special locking systems and closed circuit television equipment and/or systems shall have a current and valid license issued by the state fire marshal.

B. Types of Endorsement. Each license shall be identified by endorsement, which indicates the authorized act or acts which may be performed by the licensee.

C. Posting. It is not necessary to post an employee license on a wall. A master list of all employees' names and license numbers must be kept at each office location and must be available for review upon request by the state fire marshal or his designated representative.

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 on his/her person at all times when conducting property protection activity in the field. The pocket license need not be visibly displayed when working in areas where the license may be damaged or lost. The license must still be available for inspection upon request.

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 a license, accompanied by the required fee as specified in these rules.

F. Revised Licenses. The change of a licensee's employer, home address or mailing address or employment status requires a revised license. Licenses requiring revision 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 these rules.

G. Non-Transferable. A license is not transferable from one person to another or from one firm to another.

H. License Reciprocity. The state fire marshal may waive license requirements for an applicant with a valid license from another state if that state has license requirements substantially equivalent to Louisiana and which recognizes licenses issued by this office.

I. 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 licensee pays only that portion of the fee that is allocable to the number of months during which the license is valid.

J. Transfer of Employer. When a currently licensed employee transfers to a new employer, a revised license shall be required indicating the new firm's information. The license shall be revised to show the same expiration date of the new employer. Upon receipt of the revision application by the state fire marshal, the individual may go to work for the new employer while waiting the processing of the license. This go-to-work allowance shall not authorize the employee to engage in property protection activity for which he/she was not previously licensed to perform or for which the firm is not currently registered to perform.

K. Age Limitations. For the purpose of licensing, no one under the age of 18 shall be eligible for a technician's license and no person under the age of 16 shall be eligible for an apprentice license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2740 (September 2011).

§3217. Alteration of Certificates or Licenses

A. Any alteration of a certificate of registration or license renders it invalid and such alteration shall be the basis for administrative action in accordance with penalties set forth in R.S. 40:1664.1 et seq., and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2741 (September 2011).

§3219. Application for Certificates of Registration

A. Applications for a certificate of registration for Life Safety and/or Property protection firms shall be in writing on the forms provided by the state fire marshal and accompanied by the required fee as specified in these rules.

B. The application for certificates of registration shall:

1. be executed by the sole proprietor, or by each partner of a partnership, or by the authorized officer of the firm;
2. identify the type of endorsement applied for;
3. identify the physical and mailing address, if different, of the firm's operating location;
4. identify any and all names by which the firm may conduct activity regulated by R.S. 40:1664.1 et seq., and these rules. Only one trade or "Doing Business As" name shall be permitted per each certificate of registration;
5. identify each principal and officer of the firm;
6. identify the contact person and email address of such, as defined by these rules;
7. identify the qualifying person for each endorsement applied for;
8. identify any and all past violations or pending administrative action against the firm in other jurisdictions;

9. include a separate employee application for each qualifying person along with the required training or certification credentials as established by the Life Safety and Property Protection Advisory Board and an originally signed and notarized employment affidavit. A firm must employ and license at least one qualifier. Multiple qualifiers may be licensed;

10. be accompanied by:

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

b. a current certificate of insurance issued to the Office of State Fire Marshal showing a minimum of \$500,000 coverage;

c. a copy of the local or occupational license for the firm.

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, vehicle, or establishment used by the applicant while engaged in property protection activity to determine compliance with the provisions of R.S. 40:1664.1 et seq., and these rules.

D. When the applicant has completed the requirements contained above, a pre-certification inspection may be conducted at the facilities or of the vehicles of the applicant for verification of compliance with this subpart. The office may inspect vehicles, equipment, buildings, devices, premises or any other 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. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2741 (September 2011).

§3221. Qualifying Persons

A. Each certified firm or each firm seeking certification shall employ at least one qualifying person for each endorsement it is making application for. No property protection system or equipment shall be certified, inspected, installed, integrated, maintained, serviced, sold, or submitted to the state fire marshal for review if the firm does not employ a qualifying person as provided herein.

B. The qualifying person shall be a paid employee working a minimum of 32 hours per week and shall receive a W-2 or K-1 tax form from the firm. The qualifier shall only qualify one firm for which he is employed. An individual may not qualify multiple firms at the same time. A contract employee cannot be used to fulfill this requirement except as provided by subsection G below. A qualifier must physically reside within 150 miles of the office for which he or she qualifies.

C. The qualifying person shall be primarily and actively engaged in direct supervision of the daily property protection activity of the firm's employees and for those systems or equipment for which the firm holds endorsements for. If a firm holds multiple endorsements, then multiple qualifiers may be utilized to meet this requirement. Upon request by the state fire marshal or his representative(s), a qualifier shall provide

documentation attesting to his or her supervision of any certification, integration, inspection, installation, maintenance or service performed by the firm he or she qualifies.

D. A qualifier must meet the minimum examination, certification, or training requirements as established by the Life Safety and Property Protection Advisory Board. The state fire marshal shall send notice to licensed firms of all changes to qualifier credentials made by the Life Safety and Property Protection Advisory Board.

E. At anytime that a firm finds itself without a qualifying person, such firm shall only be able to continue certifying, inspecting, maintaining and/or servicing existing contractual obligations for that endorsement but shall not engage in any new work until a qualifying person has been employed as provided herein. A firm may not submit plans to the Office of the State Fire Marshal when it finds itself without a qualifying person.

F. This office shall be notified in writing within 10 working days anytime a qualifying person's employment is terminated for any reason.

G. A firm which loses its qualifying person and has timely notified the Office of the State Fire Marshal shall have 90 days to hire another qualifying person. If after the loss of such an employee, a replacement cannot be found within the 90 days, the firm may make a request to the Office of the State Fire Marshal to temporarily hire a qualifying person on a contractual basis. Good cause must be shown why another employee cannot be permanently hired. Approval by the Office of the State Fire Marshal for the hiring of a qualifying person on a contractual basis shall not exceed six months. Not later than 30 days prior to the expiration of the six-month period, the firm may request an additional six-month period to employ a qualifying person on a contractual basis if good cause is shown why the firm cannot hire an employee to fulfill this requirement. The Office of the State Fire Marshal may grant one additional six-month period during which a firm may employ a qualifying person on a contractual basis.

H. Failure to notify this office in writing within 10 working days of the loss of a qualifying person will cause forfeiture of any extension of time to hire another qualifying person.

I. A qualifying person must obtain an individual employee license as required by these rules. Licensure of the qualifier shall include a signed and notarized affidavit indicating the employment relationship and duties of the qualifier. If a firm desires to use multiple qualifiers for submitting plans and supervising the property protection activity of the firm, then it must register and license the additional qualifiers with the Office of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2741 (September 2011).

§3223. Application for Licenses

A. Applications for a license from an employee of a certified firm shall be on forms provided by the State Fire Marshal and accompanied by the required fee as specified in these Rules.

B. Applications for individual licenses shall be accompanied by a written statement from the employer certifying the applicant's competency to perform property

protection activity of the systems and equipment authorized by the endorsements applied for and that the individual is an employee who receives a W-2 or K-1 tax form from the firm.

C. Identify the type of endorsement applied for.

D. Identify the physical and mailing address, if different, of the individual's home address.

E. Identify any and all names by which the individual may have conducted activity regulated by R.S. 40:1664.1 et seq., and these rules, if not the same on the application.

F. Identify any and all past felony convictions, first-time offender pardons for a felony, and pleas of guilty or *nolo contendere* to a felony charge.

G. Identify any and all past violations or pending administrative action against the individual in other jurisdictions.

H. Unless a provisional license is issued, applications for individual licenses will not be accepted unless accompanied by documentation showing that the applicant has met all competency requirements as determined by the Life Safety and Property Protection Advisory Board.

I. No competency examination or training is required for an apprentice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2742 (September 2011).

§3225. Fees—General Information

A. Every fee required in accordance with the provisions of R.S. 40:1664.1 et seq., and these rules, shall be paid by firm check or certified funds made payable to the "Office of State Fire Marshal." Cash or personal checks cannot be accepted.

B. Fees shall be paid at or mailed to the Office of the State Fire Marshal, Attention Licensing Section, at 8181 Independence Blvd., Baton Rouge, Louisiana 70806.

C. Late fees are required on all certificates of registration or licenses which are not timely renewed as outlined in R.S. 40:1664.1 et seq.

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. Certificates or licenses which have been expired for more than 60 days will be suspended and applicants must apply and pay for a new certificate of registration or license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2742 (September 2011).

§3227. Fees—Specific Information

A. Certificate of Registration Fees for Firms	Initial	Renewal
Technical Endorsement		
Security	\$250	\$50
Locksmith	\$250	\$50
Door Hardware	\$250	\$50
Specialty Endorsement		
Household Fire	\$250	\$50
CCTV	\$250	\$50
Door Hardware Consultant	\$250	\$50
Bank Locking	\$250	\$50
Special Locking	\$250	\$50
Detention Locking	\$250	\$50
Gate Systems	\$250	\$50

B. License Fees for Employees

	Initial	Renewal
Technical Endorsement		
Security	\$100	\$50
Locksmith	\$100	\$50
Door Hardware	\$100	\$50
Specialty Endorsement		
Household Fire	\$100	\$50
CCTV	\$100	\$50
Door Hardware Consultant	\$100	\$50
Bank Locking	\$100	\$50
Bank Auxiliary	\$100	\$50
Special Locking	\$100	\$50
Detention Locking	\$100	\$50
Gate Systems	\$100	\$50
Property Protection Sales and Design	\$100	\$50
Apprentice	\$50	\$50

C. Late Renewal Fee. A penalty shall be assessed in accordance with R.S. 40:1664.2 et seq., for the late renewal of a certificate of registration or license.

D. Change in ownership: \$250.

E. Changes or alterations: \$20.

F. Duplicate certificates of registration or license: \$20.

G. Replacement pocket registration card: \$20.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2743 (September 2011).

§3229. Initial Licensing Training Certification, Continuing Education

A. Initial Training Certification. Applicants for an individual initial license are required to meet the initial training certification requirements as established by the Life Safety and Property Protection Advisory Board.

B. Continuing Education. Applicants for an individual license who wish to renew their licenses are required to meet the continuing education requirements as established by the Life Safety and Property Protection Advisory Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2743 (September 2011).

§3231. Property Protection Systems and Equipment

A. All property protection systems and equipment shall be certified, designed, installed, integrated, maintained or serviced in a manner that maintains the highest level of operation afforded by the manufacturer of the product.

B. All property protection systems and equipment shall be certified, designed, installed, integrated, maintain or serviced in a manner that meets all applicable codes and/or standards enumerated in LAC 55:V.103 or these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2743 (September 2011).

§3233. Smoke Inducing Security Systems

A. Where a smoke inducing (fog systems) security system is installed in a commercial business, the installing firm shall notify all local law enforcement and fire service agencies in that jurisdiction which have responsibility for response to the business.

B. Such notification shall be in writing and a copy of such shall be maintained at the firm's office located in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2743 (September 2011).

§3235. Installation Tags

A. Upon installation of any special locking system, the system shall have a tag permanently affixed to the control panel or at the connection to the power source. The installation tag shall be a minimum of 2 3/4 inches by 2 3/4 inches. Maximum size cannot exceed 5 inches by 5 inches. The tag shall be white in color and have a self adhesive backing. The following information and wording shall be required to be preprinted on the front side of the tag:

1. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all capital letters, in bold type);

2. installation tag;
3. installation date;
4. firm's name;
5. firm's certificate number;
6. technician's name;
7. technician's license number;
8. technician's signature;
9. NFPA code edition system was installed under;
10. plan review or exemption number;
11. serial or model number of panel, if applicable.

B. All tags shall have a signature line for the technician to sign the tag upon completion of the work. No preprinted signatures are permitted. Technicians must sign the tag; initials are not permitted. Other information to be completed on the tag may be either handwritten or preprinted. Apprentices are not permitted to sign tags.

C. If after initial installation a control panel is replaced for any reason, a new installation tag shall be completed and attached as above, noting the appropriate changes in information.

D. Copies of certificates of compliance required to be completed by this office shall be attached to the system in a plastic pocket pouch/sleeve or given to the owner for filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2743 (September 2011).

§3237. Certification Tags, Service Tags, Partial Impairment Tags, Impairment Tags (Special Locking Systems and Equipment Only)

A. Certification Tags (Green Tags)

1. All firms engaged in property protection activity of special locking systems and equipment shall have a certification tag which shall be completed and attached to a special locking system, after it has been certified, inspected, installed, or integrated indicating all work that has been done.

2. Certification tags shall be green in color.

3. The certification tag shall be attached at the control panel or if no panel, at the connection to the power source (breaker panel).

4. The certification tag shall be attached in such a way as to not hamper the actuation and operation of the equipment or system.

5. A certification tag shall be attached on all systems or equipment found to be in proper working condition and which are found to be in an operational condition per the inspection, testing and maintenance chapters of the applicable NFPA codes and standards. This tag shall be used for new installations and shall be in addition to the installation tag provided for in these rules.

6. Certification tags must contain all of the information listed below. Information shall be preprinted on the tag unless noted otherwise:

- a. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all capital letters in bold face type);

- b. firm's name, physical address and telephone number;

- c. firm's state fire marshal certificate number;

- d. technician's name and state fire marshal license number to be printed on tag either at the time of service or preprinted;

- e. technician's signature to be signed at time of service (no preprinted signatures nor initials are permitted; apprentices are not permitted to sign tags);

- f. day, month and year in which the certification was performed (must be punched through certification tag at designated marks for day, month and year; designated marks for day, month and year shall only be punched once per tag);

- g. type of work performed. Only installation or certification shall be noted on tag for type of work performed (must be punched through the certification tag);

- i. "Installation" shall be punched on the tag when the special locking system or equipment is initially placed into use or after an addition or extension to the system has been made. Punching "Installation" indicates the initial certification of the system or equipment has been completed;

- ii. "Certification" shall be punched on the tag when the special locking system or equipment has its annual inspection. Punching "Certification" indicates that any

required service performed to the system or equipment at the time has been completed;

iii. specifics as to the type of work performed shall be noted on rear of tag, (i.e. new installation, annual certification, etc);

h. serial number of special locking system's control panel if present;

i. owner of system and address of owner (to be noted on rear of tag).

7. Other information may be permitted on the tag after a review and approval by the fire marshal. A request for additional information shall be made to the fire marshal in writing with a sample tag indicating the requested additions.

B. Service Tags (Blue Tags)

1. All firms engaged in property protection activity of special locking systems and equipment shall have a service tag which shall be completed and attached to a special locking system, after it has been maintained or serviced indicating all work that has been done.

2. Service tags shall be blue in color.

3. The service tag shall be attached at the control panel or if no panel, at the connection to the power source (breaker panel).

4. The service tag shall be attached in such a way as to not hamper the actuation and operation of the equipment or system.

5. A service tag shall be attached on all systems or equipment found to be in proper working condition after maintenance or service and which are found to be in an operational condition per the inspection, testing and maintenance chapters of the applicable NFPA codes and standards. This tag shall also be used for all service and maintenance where the system is found to meet the above conditions.

6. Service tags must contain all of the information listed below. Information shall be preprinted on the tag unless noted otherwise;

a. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all capital letters in bold face type);

b. firm's name, physical address and telephone number;

c. firm's state fire marshal certificate number;

d. technician's name and state fire marshal license number to be printed on tag either at the time of service or preprinted;

e. technician's signature to be signed at time of service (no preprinted signatures nor initials are permitted; apprentices are not permitted to sign tags);

f. day, month and year in which service was performed (must be punched through service tag at designated marks for day, month and year; designated marks for day, month and year shall only be punched once per tag);

g. type of work performed. Only "Service" shall be noted on tag for type of work performed;

i. "service" tags shall be used when the special locking system or equipment is repaired or replaced to ensure proper operation in between required certification periods;

ii. specifics as to the type of work performed shall be noted on rear of tag (i.e. changed push button, repaired motion detector, etc);

h. serial number of special locking system's control panel if present;

i. owner of system and address of owner (to be noted on rear of tag).

7. Other information may be permitted on the tag after a review and approval by the fire marshal. A request for additional information shall be made to the fire marshal in writing with a sample tag indicating the requested additions.

C. Partial Impairment Tags (Yellow Tags).

1. All firms engaged in property protection activity of special locking systems and equipment shall be allowed to have a partial impairment tag, to be yellow in color, which is to be used when minor deficiencies are found on the equipment or system. The partial impairment tag is in addition to the requirement of having a service tag and impairment tag.

2. A partial impairment tag may be placed on all equipment or systems in which there is a deficiency with the equipment or system but where the equipment or system is still functional. This would include situations where routine service is needed but has not been approved by the owner of the equipment or system.

3. A partial impairment tag shall not remain on equipment or a system for more than 60 days. If the problem is not corrected after 60 days the certified firm shall be required to notify, in writing, the Office of the State Fire Marshal Inspection Section. The firm does not have to physically return to the building for re-inspection. The mailing of the impairment notice is sufficient.

4. Partial impairment tags must contain all of the information listed below. Information shall be preprinted on the tag unless noted otherwise:

a. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all capital letters in bold face type);

b. firm's name, physical address and telephone number;

c. firm's state fire marshal certificate number;

d. technician's name and state fire marshal license number to be printed on tag either at the time of service or preprinted;

e. technician's signature to be signed at time of inspection (no preprinted signatures nor initials are permitted; apprentices are not permitted to sign tags);

f. day, month and year in which the impairment was found (to be punched through service tag at designated marks for day, month and year; designated marks for day, month and year shall only be punched once per tag);

g. type of impairment found (to be hand written on rear of tag); [if additional space is needed to note the impairments, then multiple tags shall be used noting 1 of 2, 2 of 2, etc.;

h. serial number of special locking system's control panel if present;

i. business owner or tenant and physical address of where the system is located (to be noted on rear of tag).

D. Impairment Tags (Red Tags)

1. All firms engaged in property protection activity of special locking systems and equipment shall have an impairment tag, to be red in color, which is to be used when major deficiencies are found on these systems or equipment.

2. An impairment tag shall be placed on all special locking systems upon discovery that the system or equipment is impaired to the point that life safety is at risk or to the point that the automatic or manual release on the system will be prevented from functioning as intended.

3. Impairment tags shall also be placed on any equipment or system where life safety is in imminent danger.

4. Written notice shall be made to the owner and to the Office of the State Fire Marshal Inspection Section by the certified firm as soon as is practically possible but shall not exceed two working days after the system or equipment is red tagged. Notification to the Office of the State Fire Marshal is not needed for fire hoses removed from service. Written notification can be by electronic mail or facsimile. The Office of State Fire Marshal shall provide a form for notification. Additional notification (written or verbally) should be made to the local fire department when a system is red tagged.

5. Impairment tags must contain all of the information listed below. Information shall be preprinted on the tag unless noted otherwise:

a. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all capital letters in bold face type);

b. firm's name, physical address and telephone number;

c. firm's state fire marshal certificate number;

d. technician's name and state fire marshal license number to be printed on tag either at the time of service or preprinted;

e. technician's signature to be signed at time of inspection (No preprinted signatures nor initials are permitted.) (Apprentices are not permitted to sign tags.);

f. day, month and year in which the inspection was performed (to be punched through service tag at designated marks for day, month and year; designated marks for day, month and year shall only be punched once per tag);

g. type of impairment found (to be hand written on rear of tag); if additional space is needed to note the impairments, then multiple tags shall be used noting 1 of 2, 2 of 2, etc.;

h. serial number of special locking system's control panel if present;

i. business owner or tenant and physical address of where the system is located (to be noted on rear of tag).

6. Notification of special locking equipment/systems inspections where no deficiencies are found need not be sent to the Office of the State Fire Marshal unless specifically requested.

E. Written Notification. The following information is required to be sent when written notification is made to the Office of the State Fire Marshal Inspection Section:

1. name, address, and telephone number of the owner of the system;

2. name, address, telephone number, and certificate number of the firm noting the impairment;

3. name and license number of the technician who did the certification, inspection, maintenance, or service;

4. type of system (manufacturer and model number should also be included);

5. the name and year edition of the code or standard the firm used for inspection;

6. reason for the impairment. Note: A copy of the inspection or service report shall be included; and

7. date system or equipment was red or yellow tagged.

F. Other Requirements

1. On all special locking systems, a plastic pocket pouch/sleeve shall be attached to the control panel, or near the power source when no control panel is installed, where all tags

shall be maintained for a period of one year after the system's annual certification. Upon a new annual certification, all previous service tags may be removed and given to the owner to keep on file.

2. All tags must be card stock, plastic, vinyl, tyevak or metal in order to maintain the running record for the system.

3. All tags shall be 5 1/4 inches in height and 2 5/8 inches in width.

4. Firms shall have their tags printed and one forwarded to the state fire marshal's Licensing Section for approval and incorporation in the firm's file.

5. Tags may be removed only by licensed employees of a certified firm or employees of the state fire marshal's Office and certified fire prevention bureaus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2744 (September 2011).

§3239. Door to Door Solicitation

A. All door to door solicitations shall comply with the following:

1. all local permitting ordinances and requirements;

2. vehicles shall be properly marked with the firm's name and certificate number;

3. all advertisements, invoices, literature, business cards and letter head must include the firm's certificate number and Louisiana address.

B. All firms conducting door to door solicitations shall be required to notify, in writing, the Office of the State Fire Marshal Licensing Section of such. Such notice shall include, the city, time frame of such solicitation and an affirmation that all local solicitation ordinances have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2746 (September 2011).

§3241. Fair and Ethical Business Practices

A. Property protection firms and employees shall conduct all business practices in compliance with all applicable laws.

B. Property protection firms and employees shall impartially analyze safety or security problems of their customers and advance the best possible solution for the protection of the customer.

C. Property protection firms and employees shall not misrepresent any business claims to the customer.

D. Property protection firms and employees shall not misrepresent the features afforded by any product nor make unwarranted claims about the merits of any product or service they offer. Examples include, but are not limited to the following:

1. representing to a client that non-restricted or widely available keys (whether stamped "Do Not Duplicate" or not) provide any measure of assurance against unauthorized duplication;

2. selling a used product as new;

3. claiming the customer's existing equipment is out of date or substandard when it is not.

E. Property protection firms and employees shall avoid using any improper or questionable means of soliciting business. Prohibited practices include, but are not limited to:

1. affixing stickers to permanent fixtures such as doors or door frames or in any way defacing the property of any person without his express consent;

2. installing stickers or any other promotions in such fashion that they falsely represent that the firm has previously serviced the system or equipment in that location;

3. installing or supplying systems or equipment which curtails the customer's ability to choose a different company or technician for product support or service, unless the firm obtains the customer's expressed written consent;

4. modifying the customer's hardware in any fashion that will curtail the customer's ability to choose a different company or technician for later product support or service or cause him to incur additional expense by doing so, unless the firm obtains the customer's express written consent;

5. claiming the customer's current contractor is out of business when it is not.

F. Property protection firms and employees shall not directly solicit in violation of a no compete agreement, such as an employee offering competing bids to customers of his employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2746 (September 2011).

§3243. Prohibited Acts and Equipment

A. The following acts are prohibited and shall be considered grounds for administrative action to be taken against firms, persons and/or employees committing such:

1. charging a customer for work that was not performed;

2. misrepresenting oneself and/or one's firm to a customer, prospective customer or to employees of the state fire marshal, his designated representative or other public official;

3. impersonating the state fire marshal, his designated representative or any other public official;

4. intimidating or coercing a customer;

5. certifying, inspecting, installing, integrating, maintaining or servicing property protection systems and/or equipment contrary to plans submitted for review, applicable NFPA codes, standards, and/or manufacturer's specifications without specific written permission from the Office of the State Fire Marshal;

6. falsifying an application or any other document submitted to obtain a certificate or license or other documentation requested by or submitted to the Office of the State Fire Marshal;

7. falsifying tags, labels, inspection reports, invoices, system reports and/or other documents;

8. working an apprentice, or as an apprentice, without direct supervision by a technician licensed to perform the work being done and licensed to the same firm;

9. working an employee without the appropriate endorsement of license;

10. working without the appropriate endorsement of firm certificate or license;

11. working with an expired firm certificate or license;

12. failing to notify the Office of the State Fire Marshal of any changes that affect licensure;

13. failing to notify local law enforcement or fire service agencies of the installation of a smoke inducing security system;

14. contracting to a firm or person who is not properly certified or licensed through the Office of the State Fire Marshal to perform acts regulated by the provisions of R.S. 40:1664.1 et seq., or these rules;

15. failing to adhere to the tagging and/or notification policies of the Office of the State Fire Marshal;

16. installing a special locking system prior to submitting plans and required documentation and receiving authorization to install such system from the Plan Review Section of the Office of the State Fire Marshal;

17. failing to possess the equipment, tools, NFPA codes, standards or manufacturer's UL listed installation and service manuals to properly certify, inspect, install, integrate, maintain or service the systems or equipment for which a firm is certified;

18. failing to adhere to all applicable laws and rules governing property protection systems and/or equipment as promulgated by the Office of the State Fire Marshal;

19. engaging in false, misleading or deceptive acts or unfair or unethical business practices;

20. aiding and abetting an unlicensed person or firm to engage in property protection activity;

21. aiding and abetting a person or firm to certify, install, inspect, or service property protection systems or equipment contrary to code or manufacturer specifications;

22. failing to adhere to local ordinances regarding solicitation, permitting and occupational licensing and activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2746 (September 2011).

§3245. Enforcement

A. The State Fire Marshal or his designated representative, shall make, or cause to be made, from time to time, inspections of a firm's physical locations, vehicles or job sites to verify required certificates, employee lists, employee licenses, business records and insurances, equipment, tools, NFPA codes, standards and manufacturer's manuals and property protection activity performed, and as circumstances dictate, to determine that firms and their employees are engaging in activity in accordance with the requirements of R.S. 40:1664.1 et seq., and these rules.

B. The State Fire Marshal shall investigate all complaints of alleged violations of R.S. 40:1574 et seq., 40:1664.1 et seq., and these Rules. Complaints of alleged violations shall be made in writing to the Licensing Section of the State Fire Marshal's Office. The office shall make available a complaint form to be used as needed. Penalties shall be administered to those firms and/or employees found to have violated these laws and/or rules. Proposed administrative penalty letters shall act as official notification of alleged violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2747 (September 2011).

§3247. Administrative Actions

A. The State Fire Marshal may refuse the issuance or renewal of, suspend, or revoke a certificate of registration, or license and impose administrative penalties, if, after notice, as provided for by the Administrative Procedures Act, it is found that a person, certified firm, or licensee or an applicant for registration, or license, failed to comply with the provisions of R.S. 40:1664.1 et seq., or these Rules. The State Fire Marshal may consider violations in other states or failing to pay outstanding fine amounts as grounds for refusing the issuance of or the renewing of a certificate of registration or license. Additionally, where it is brought to the attention of the state fire marshal, violations in other states or failing to pay outstanding fine amounts may result in the suspension of or revocation of a certificate of registration or license.

1. Offenses. The following categories shall denote classification of offenses for persons, firms and employees for determining the penalty to be imposed:

- a. minor:
 - i. failing to notify the Office of the State Fire Marshal of any changes that affect licensure;
 - ii. Failing to adhere to the tagging and/or notification policies of the Office of the State Fire Marshal;
 - iii. working with an expired (31-45 days) license or certificate of registration;
 - iv. failing to properly display a firm certificate;
- b. serious:
 - i. failing to notify local law enforcement or fire service agencies of the installation of a smoke inducing security system;
 - ii. working an apprentice, or as an apprentice, without direct supervision by a technician licensed to perform the work being done and licensed to the same firm;
 - iii. working an employee without the appropriate endorsement of license;
 - iv. working without the appropriate endorsement of firm certificate or license;
 - v. working with an expired (46-60 days) license or firm certificate;
 - vi. contracting to a firm or person who is not properly certified or licensed through the Office of the State Fire Marshal to perform acts regulated by the provisions of R.S. 1664.1 et seq., or these rules;
 - vii. failing to possess the equipment, tools, NFPA codes, standards or manufacturer's UL listed installation and service manuals to properly certify, inspect, install, integrate, maintain or service the systems or equipment for which a firm is certified;
 - viii. failing to adhere to local ordinances regarding solicitation, permitting and occupational licensing activities;
 - ix. committing five or more minor offenses within a three-year period;
- c. major:
 - i. charging a customer for work that was not performed;
 - ii. impersonating the state fire marshal, his designated representative or any other public official;
 - iii. intimidating or coercing a customer;

iv. misrepresenting oneself and/or one's firm to a customer, prospective customer or to employees of the Office of the State Fire Marshal, his designated representative or other public official;

v. falsifying an application or any other document submitted to obtain a certificate or license or other documentation requested by or submitted to the Office of the State Fire Marshal;

vi. falsifying tags, labels, inspection reports, invoices and/or other documents;

vii. working without any or with a suspended firm certificate of registration or license;

viii. working an employee with a suspended license;

ix. aiding and abetting an unlicensed person or firm to engage in property protection activity.

x. certifying, inspecting, installing, integrating, maintaining or servicing special locking systems and/or equipment contrary to plans submitted for review, applicable NFPA codes, standards, and/or manufacturer's specifications without specific written permission from the Office of the State Fire Marshal;

xi. aiding and abetting a person or firm to certify, install, inspect, or service property protection systems or equipment contrary to code or manufacturer specifications;

xii. installing a special locking system or equipment prior to submitting plans and required documentation and receiving authorization to install such system from the Plan Review Section of the Office of the State Fire Marshal;

xiii. committing three or more Serious offenses within a three year period;

xiv. engaging in false, misleading or deceptive acts or unfair or unethical business practices.

2. Penalties. The following fine schedule shall be used to assess fines to persons, firms, and/or employees who violate the laws and rules governing property protection activity. Penalties will be imposed to persons, firms and/or employees based on the classification of offense. Each classification of offense will have a minimum and maximum fine shown and any other administrative penalty that may be imposed.

a. Firms and/or persons

i. minor: \$50 fine to \$250 fine and/or official warnings may be imposed;

ii. serious: \$250 fine to \$1,000 fine and/or suspensions of up to 90 days may be imposed;

iii. major: \$1,000 fine to \$5,000 fine and/or suspensions from 91 to 365 days may be imposed and/or revocation of certificate may be imposed.

b. Employees and/or persons:

i. minor: \$10 fine to \$50 fine and/or official warnings may be imposed;

ii. serious: \$50 fine to \$500 fine and/or suspensions of up to 90 days may be imposed;

iii. major: \$500 to \$5,000 fine and/or suspensions from 91 to 365 days may be imposed and/or revocation of license may be imposed.

c. The State Fire Marshal may deviate from this fine schedule where circumstances and/or evidence warrant a more stringent or more lenient penalty.

d. In lieu of fine payments, the state fire marshal may require remedial or additional training be obtained by those found in violation.

e. Those offenses not enumerated in this list shall receive penalties for violations of similar nature.

f. The Office of the State Fire Marshal may also pursue criminal charges or injunctive relief for any of the above enumerated offenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2747 (September 2011).

§3249. Severability

A. If any provision of these rules or the application thereof to any firm, person, employee 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. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2748 (September 2011).

§3251. Adopted Standards

A. The office adopts by reference in their entirety those copyrighted codes or standards enumerated in LAC 55:V.103 published by and available from the National Fire Protection Association, Inc.(NFPA), Batterymarch Park, Quincy, Massachusetts, 02268. A copy of the codes and standards shall be kept available for public inspection in the Office of the State Fire Marshal. In addition to those listed standards, the following shall also be adhered to as applicable:

1. ASME/ANSI A17.1—Safety Code for Elevators and Escalators;
2. ASME/ANSI A17.3—Safety Code for Existing Elevators and Escalators;
3. ASME/ANSI A117.1—Specifications for Handicapped Accessibility;
4. ADAAG—American Disability Accessibility Act Guidelines;
5. United States Department of Transportation;
6. Code of Federal Regulations 49.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2748 (September 2011).

§3253. National Recognized Testing Laboratory

A. This office approves Underwriters Laboratories, Inc., Factory Mutual Research Corporation, the United States Testing Company, Inc. and Intertek-ETL as nationally recognized testing laboratories for the purpose of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2748 (September 2011).

§3255. Equipment and Facilities

A. Each certified firm location shall be required to possess the equipment, tools, NFPA codes, standards and

manufacturer's UL listed installation and service manuals necessary to properly certify, inspect, install, integrate, maintain or service the systems or equipment for which it is certified. Required codes, standards and manuals may be either in print or in an electronic format.

B. The following equipment and code books shall be required depending upon the firm's certification endorsement:

1. security:
 - a. certification, service, partial impairment (optional) and impairment tags;
 - b. installation tags;
 - c. NFPA 70, 72, 80 and 101 (latest edition as enumerated in LAC 55:V.103);
 - d. copy of life safety and property licensing law and rules;
 - e. manufacturer's installation manuals;
 - f. sound level meter;
2. household fire warning:
 - a. NFPA 70, 72 and 101 (latest edition as enumerated in LAC 55:V.103);
 - b. copy of life safety and property licensing law and rules;
 - c. manufacturer's installation manuals;
 - d. sound level meter;
3. closed circuit television:
 - a. NFPA 70 (latest edition as enumerated in LAC 55:V.103);
 - b. copy of life safety and property licensing law and rules;
 - c. manufacturer's installation manuals;
4. locksmith:
 - a. certification, service, partial impairment (optional) and impairment tags;
 - b. installation tags;
 - c. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);
 - d. copy of life safety and property licensing law and rules;
 - e. manufacturer's installation manuals;
5. bank locking:
 - a. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);
 - b. copy of life safety and property licensing law and rules;
 - c. manufacturer's installation manuals;
6. detention locking:
 - a. certification, service, partial impairment (optional) and impairment tags;
 - b. installation tags;
 - c. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);
 - d. copy of life safety and property licensing law and rules;
 - e. manufacturer's installation manuals;
7. door hardware:
 - a. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);
 - b. copy of life safety and property licensing law and rules;
 - c. manufacturer's installation manuals;
8. door hardware installation:

a. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);

b. copy of life safety and property licensing law and rules;

c. manufacturer's installation manuals;

9. special locking:

a. certification, service, partial impairment (optional) and impairment tags;

b. installation tags;

c. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);

d. copy of life safety and property licensing law and rules;

e. manufacturer's installation manuals;

10. gate systems:

a. certification, service, partial impairment (optional), and impairment tags;

b. installation tags;

c. NFPA 70, 80 and 101 (latest edition as enumerated in LAC 55:V.103);

d. copy of life safety and property licensing law and rules;

e. manufacturer's installation manuals.

C. The State Fire Marshal or his representative(s) may inspect a firm's physical location(s) or vehicle(s) to ensure the proper equipment, tools, NFPA codes, NFPA standards, manufacturer's UL listed installation and service manuals and business records and insurances are possessed by the firm. Firms must possess all applicable manufacturers' installation and service manuals for the systems and/or equipment it services.

D. Each Louisiana operating location must house all business records of the firm. Business records may be either electronic or hard copies. Business records shall include, but not be limited to, invoices, work orders, service reports, payroll records, federal and state tax information for employees, occupational licenses, local solicitation permits, income tax filings, property tax notifications and filings, utility records, certificates of insurance for general liability and workmen compensation coverage and workers compensation reports and/or filings.

E. The State Fire Marshal or his representative(s) may require that a firm or its employee(s) demonstrate a proficiency to use the necessary equipment to properly certify, inspect, install, integrate, maintain or service special locking systems and equipment. Proficiency shall be deemed to be achieved if the system or equipment complies with the applicable NFPA code or standard and/or manufacturer's specifications.

F. For those firms or their employee(s) which do not possess the proper equipment, tools and manuals or who fail to demonstrate the ability to properly perform the required work, then an order of correction shall be made to the contractor or his employee to obtain the required equipment, tools, NFPA codes, standards or manual or to obtain additional training within a specified time period. Another inspection shall be conducted by the state fire marshal or his representative to verify compliance with the order of correction. Good cause must be shown if proficiency is not shown or the required equipment, tools, NFPA codes, standards or manuals are not obtained by the time of the second inspection. Additional time

may be granted for good cause. If good cause is not shown, then administrative action may be pursued.

G. The office may specifically enumerate additional required equipment or business records at a later date should it be deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2748 (September 2011).

§3257. Plan Review

A. No special locking system requiring plan submittal in accordance with R.S. 40:1574 et seq., shall be installed prior to submitting plans with required documentation and receiving authorization to install such system from the Plan Review Section of the Office of the State Fire Marshal. However, the installation of wiring only for a special locking system shall be permitted upon receipt of plans and a project review number being issued by the Office of the State Fire Marshal, Plan Review Section. No system locks, devices or panels shall be installed prior to review or written authorization by the Office of the State Fire Marshal.

B. All submittals for plan review shall identify the licensed firm performing the installation and the responsible qualifier. The firm that is responsible for the installation of the locks shall be the firm listed as the installation firm.

C. Only listed qualifiers of a firm shall be listed on applications for full plan review or exemption to full plan review. Additionally, any correspondence regarding a submittal, to include but not be limited to, telephone, email or written correspondence, shall only be through a listed qualifier of the firm, owner of the firm, a professional of record or owner of the building.

D. A new plan review shall be required when a firm takes over a project in progress from another firm, listing the new firm's information and any changes to the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2750 (September 2011).

§3259. Electrical Contractors

A. All electrical contractors who have met all requirements and passed a prescribed written examination based upon National Fire Protection Association (NFPA) Code 70, the National Electrical Code, that has been given either by a recognized political subdivision of the State of Louisiana or by the State Licensing Board for Contractors, shall be authorized to install special locking systems, security, household fire and closed circuit television systems and equipment in accordance with manufacturer's specifications and applicable National Fire Protection Association (NFPA) codes as enumerated in LAC 55:V.103 and these rules.

B. The electrical contractor shall ensure that plans have been submitted and reviewed by the state fire marshal prior to installing any new or renovated special locking system. The system shall be certified by a property protection contractor upon the completion of the installation.

C. Electrical contractors are not permitted to certify, inspect or service special locking systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2750 (September 2011).

§3261. Miscellaneous Provisions

A. Marking of vehicles. All service vehicles owned or operated by firms or their employees used for regulated activities, as defined by R.S. 40:1664.1 et seq., and these Rules shall have the firm name, firm certificate number and firm telephone number permanently inscribed, painted, stenciled or affixed by magnetic means on such vehicles. Such markings shall be a minimum of two and one-half inches in height and not less than one-fourth inch in width. Letters and numbers shall be on a contrasting background and be conspicuously seen from the outside of the vehicle. This requirement does not prevent a firm to use an unmarked vehicle on special occasions where covert work is required.

B. Restrictions

1. Certificate or license holders are not agents or representatives of the State of Louisiana, the Department of Public Safety or the Office of the State Fire Marshal. No claims or inferences of such shall be made.

2. A certificate or license does not authorize anyone to enforce these Rules or to enter any building without the owner's permission or to engage in property protection activity without the owner's permission.

3. Certificate and license holders shall not allow the use of their certificate or licenses by other firms, persons or employees.

4. A license holder shall not perform any property protection activity unless employed by and within the course and scope of that employment with a firm regulated by the provisions of R.S. 40:1664.1 et seq.

5. A person shall not perform any act for which a certificate or license is required unless:

- a. first being certified or licensed to perform such acts; and
- b. is employed by a firm certified to perform those acts; and
- c. is performing those acts for the certified firm by which he is employed.

6. An apprentice, as defined in these rules, shall not perform any activity regulated by R.S. 40:1664.1 et seq.,

unless employed by a certified firm and directly supervised by a license holder authorized to perform such act or acts. Both the apprentice and licensee shall be employed by the same certified firm.

7. Nothing in these rules shall prevent an appropriately certified firm or licensed person from certifying, inspecting, installing, integrating, maintaining, selling, or servicing any manufacturer's system or equipment.

C. Multiple Names and Locations

1. If a firm uses multiple names (i.e. trade or "doing business as" names), it must apply for a separate certificate of registration for each name if the firm name has a separate state or federal tax number. If the firm name does not have a separate state or federal tax number, then it shall be permitted to be registered with the firm's primary name. Only one trade or "doing business as" name shall be permitted to be registered along with the firm's primary name. Any other name that the firm wishes to use must have its own certificate of registration and must meet all licensing requirements as a separate and independent firm.

2. If a firm uses multiple locations, each location must apply for and receive its own certificate of registration. Each location is considered a separate firm and must meet all licensing requirements for firms.

3. If a firm advertises telephone numbers for dispatch purposes in various locations but has no physical office in those locations, then the advertisement must indicate "For Dispatch Only."

D. Special Locking System Required Certification

1. A building owner shall ensure that each special locking system within his commercial business is certified annually. Only the following systems as outlined in NFPA 101 shall require an annual certification:

- a. electronically controlled egress door assemblies;
- b. health care locking systems;
- c. delayed egress systems;
- d. access controlled systems;
- e. elevator lobby exit access door assembly locking systems;
- f. pedestrian gate systems; and
- g. detention locking systems.

2. Special locking systems shall be certified by a firm with the appropriate endorsement as follows:

Type of Endorsement	Type of System						
	Electronically Controlled Egress Door Assemblies	Health Care Locking Systems	Access Control Systems	Delayed Egress Systems	Elevator Lobby Exit Access Door Assembly Locking Systems	Pedestrian Gate Systems	Detention Locking Systems
Security	Yes	Yes	Yes	Yes	Yes	Yes	No
Locksmith	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Special Locking	Yes	Yes	Yes	Yes	Yes	Yes	No
Gate Systems	No	No	No	No	No	Yes	No
Detention Locking	No	No	No	No	No	No	Yes

3. For the purpose of determining the exact date of a required certification, the following guidelines shall apply: where only the year is known but not the month, January shall be used for the month, where the month is known but not the day, the first day of the month shall be used.

4. Annual certifications must be performed between 30 days prior and 30 days after the previous year's certification date.

5. The certified firm shall not be responsible for more frequent inspections as required by the applicable engineered specifications, manufacturer's specifications or per the inspection, testing and maintenance chapters as set forth in the applicable NFPA codes and standards unless under contract to perform such.

E. Advertising. All advertising indicating property protection activity within Louisiana, including but not limited to telephone advertising, bids, letter head and business cards, shall indicate a firm's certificate of registration number, the firm's physical address and local telephone number. Yard signs must include the firm's certificate of registration number and may include a monitoring station telephone number. They do not need to include the firm's local telephone or physical address.

F. Service Invoices and Inspection Reports. All service invoices or inspection reports shall reflect the inspection, installation, integration, maintenance, or service performed, all parts replaced, date of service, the firm name, the firm certificate number, the technician's name who performed the work and the technician's license number.

G. Locking Service Record Keeping

1. A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document:

- a. where the work was performed;
- b. the name, address, date of birth, telephone number, and driver's license number or other identification number of the person requesting the work to be done; and
- c. the signature of that person.

2. A copy of the work order form shall be kept by the licensed locksmith for a period of two years and shall include:

- a. the name and license number of the locksmith; or
- b. the name and identification number of the registered employee who performed the services.

3. Work order forms required to be kept under this Section shall be available for inspection upon written request made three days in advance by the state fire marshal or his representative(s) or a law enforcement agency.

4. A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document:

- a. the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry; and
- b. the signature of that person.

5. A copy of the work order form shall be kept by the licensed locksmith for a period of two years and shall include:

- a. the name and license number of the locksmith; or
- b. the name and identification number of the registered employee who performed the services.

6. Work order forms required to be kept under this Section shall be available for inspection upon written request

made three days in advance by the state fire marshal or his representative(s) or a law enforcement agency.

H. Security System Panels, Factory Default Code Reset

1. A security system owner who wishes to change security firms must notify the existing firm in writing of his wishes if he desires to have the panel program code reset. All financial obligations of the system owner to the existing firm must be met prior to firm being required to reset the panel program code to factory default.

2. The firm shall return the panel program code to factory default within five working days upon written notice by the system owner. 3. Where a panel program code cannot be reset to factory default, then the panel shall be cleared of its memory to allow complete reprogramming or the existing firm shall install a new control panel for the security system owner.

4. This provision does not apply to panels which are proprietary in nature and will not work unless monitored and/or maintained by the proprietary firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1664.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 37:2750 (September 2011).

Jill P. Boudreaux
Under Secretary

1109#047