

2021 Regular Session

HOUSE BILL NO. 360

BY REPRESENTATIVE TRAVIS JOHNSON

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

FIRE PROTECT/FIRE MARSHAL: Provides relative to the registration of short-term rental dwellings with the office of state fire marshal

1 AN ACT

2 To enact R.S. 40:1584, relative to the registration of short-term rental dwelling units; to
3 provide certain definitions; to provide the requirements for the registration and
4 renewal of short-term rental dwelling units; to provide relative to registration and
5 renewal fees for short-term rental dwelling units; to impose fees; to provide
6 penalties; to authorize the promulgation of rules and regulations; to provide for
7 applicability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1584 is hereby enacted to read as follows:

10 §1584. Short-term rental dwelling unit standards

11 A. This Section sets forth standards governing short-term rental dwelling
12 units and establishes requirements and enforcement mechanisms intended to regulate
13 owners engaged in the business of renting dwelling units using a platform.

14 B. As used in this Section, the following terms have the meaning ascribed
15 to them in this Subsection unless the context clearly indicates otherwise:

16 (1) "Booking transaction" means any contractual agreement between a guest
17 and an owner relative to a short-term rental dwelling unit.

18 (2) "Dwelling unit" means a room or group of rooms providing complete,
19 independent living facilities, including permanent provisions for living, sleeping,
20 eating, cooking, and sanitation, for the use and enjoyment of one or more persons.

1 (3) "Guest" means any person, other than an owner, who occupies a short-
2 term rental dwelling unit.

3 (4) "Owner" means a person who owns at least fifty percent interest in a
4 short-term rental dwelling unit.

5 (5) "Platform" means one or more portals, listing services, or websites under
6 common ownership or control through which a person, other than an owner, collects
7 or receives a fee, directly or indirectly, for facilitating booking transactions.

8 (6) "Short-term rental dwelling unit" means a dwelling unit, or any portion
9 thereof, used by a guest for a period of not more than twenty-nine consecutive days
10 per booking transaction.

11 C.(1) An owner of a short-term rental dwelling unit shall not complete a
12 booking transaction on a platform unless the owner has an up-to-date registration of
13 the short-term rental dwelling unit with the office of state fire marshal.

14 (2) An owner shall submit the registration electronically on forms created
15 by the office of state fire marshal, which shall contain all of the following
16 information:

17 (a) The name, address, phone number, and email contact information of the
18 owner.

19 (b) The municipal address of the short-term rental dwelling unit.

20 (c) A list of platforms that will be used to solicit booking transactions for the
21 short-term rental dwelling unit and URL links soliciting the short-term rental
22 dwelling unit, if any.

23 (d) The number of sleeping rooms located within the short-term rental
24 dwelling unit.

25 (e) The maximum number of occupants allowed to occupy the short-term
26 rental dwelling unit.

27 (f) An attestation that the following life safety features are present within the
28 short-term rental dwelling unit:

29 (i) Smoke alarms.

1 (ii) Carbon monoxide detectors.
2 (iii) Unobstructed exits.
3 (iv) Fire extinguishers.
4 (v) A map posted on the back of the main entry door indicating where the
5 exits are located in case of fire or other emergency.

6 (g) Whether the owner will submit payment for an annual or five-year
7 registration.

8 (3) An owner shall submit a renewal in the same or substantially similar
9 form and manner as the initial registration. A renewal shall contain updated contact
10 information, if applicable, and an updated list of platforms that are used to solicit
11 booking transactions for the short-term rental dwelling unit.

12 D. The office of state fire marshal shall establish and collect the initial
13 registration fee and subsequent renewal fees. The initial annual registration fee shall
14 be five dollars and the annual renewal fee shall be five dollars. The initial five-year
15 registration fee shall be twenty dollars and the five-year renewal fee shall be twenty
16 dollars.

17 E.(1) An owner who completes a booking transaction on a platform and has
18 failed to register or renew the registration of the short-term rental dwelling unit shall
19 be subject to the following penalties:

20 (a) For the first violation, a warning letter.

21 (b) For a second violation, a civil penalty not to exceed five hundred dollars.

22 (c) For a third and each subsequent violation, a civil penalty not to exceed
23 one thousand dollars.

24 (2) All monies collected pursuant to this Subsection shall be made payable
25 to the office of state fire marshal, code enforcement and building safety.

26 F. The office of state fire marshal may promulgate rules and regulations, in
27 accordance with the Administrative Procedure Act, as are necessary to implement
28 the provisions of this Section relative to the assessment and collection of fees and

1 penalties, the operation, management, and maintenance of the electronic registration
2 system, investigations of compliance with the registration requirement, and hearings.

3 G.(1) The provisions of this Section shall not be construed as an exception
4 to compliance with the applicable building and safety codes as provided for in R.S.
5 40:1578.6.

6 (2) The provisions of this Section shall not be construed to affect or preempt
7 any zoning ordinance of any local governmental subdivision.

8 (3) Nothing in this Section shall be construed to expand any zoning
9 ordinance with respect to residential property.

10 (4) Nothing in this Section shall be construed to authorize any inspections
11 or investigations by the office of state fire marshal or any other agency of any real
12 property including but not limited to a private residence.

13 (5) The provisions of this Section shall not be construed to apply to
14 structures regulated pursuant to Title 21 of the Louisiana Revised Statutes of 1950,
15 R.S. 40:1563 et seq., R.S. 40:1580, or R.S. 40:1580.1 or to charter boat operators.

16 H. Subject to the exceptions contained in Article VII, Section 9 of the
17 Constitution of Louisiana, all monies received by the office of state fire marshal
18 pursuant to the provisions of this Section shall be deposited immediately into the
19 Louisiana Life Safety and Property Protection Trust Fund within the state treasury
20 as provided for in R.S. 40:1664.9.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 360 Engrossed

2021 Regular Session

Travis Johnson

Abstract: Defines "short-term rental dwelling unit" for purposes of registering with the office of state fire marshal and prohibits the owner of a short-term rental dwelling unit from completing a booking transaction unless the unit is registered.

Proposed law defines the following terms for the purposes of proposed law: booking transaction, dwelling unit, guest, owner, platform, and short-term rental dwelling unit.

Proposed law prohibits an owner of a short-term rental dwelling unit from using a platform to complete a booking transaction unless the owner has registered the unit with the office of state fire marshal.

Proposed law requires the initial registration to be submitted electronically on forms created by the office of state fire marshal. Further, proposed law requires the owner to renew the registration either annually or every five years.

Present law authorizes the office of state fire marshal to establish and collect certain fees.

Proposed law requires the owner to pay the following fees for the initial registration and subsequent renewal:

- (1) Initial annual registration: \$5
- (2) Annual renewal: \$5
- (3) Initial 5-year registration: \$20
- (4) 5-year renewal: \$20

Proposed law establishes the following penalties for an owner in violation of proposed law:

- (1) 1st violation: warning letter
- (2) 2nd violation: civil penalty not to exceed \$500
- (3) 3rd and each subsequent violation: civil penalty not to exceed \$1,000

Proposed law authorizes the office of state fire marshal to promulgate rules and regulations necessary to implement proposed law relative to assessing and collecting fees and penalties, operating, managing, and maintaining the electronic registration system, investigating compliance with the registration requirements, and hearings.

Present law provides for rules compliance with certain building and safety codes. Proposed law retains present law.

Proposed law shall not be construed to authorize the office of state fire marshal or any other agency to inspect any real property including private residences.

Present law regulates hotels and lodging houses and certain powers and duties of the state fire marshal. Proposed law shall not be construed to apply to present law.

Proposed law provides for the deposit of all monies received by the office of state fire marshal pursuant to proposed law into the Louisiana Life Safety and Property Protection Trust Fund as provided for in present law.

(Adds R.S. 40:1584)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Clarify that the office the office of state fire marshal is authorized to promulgate rules and regulations as necessary relative to enforcing fees and penalties, operating, managing, and maintaining the electronic registration system, investigating compliance with the registration requirements, and hearings.

2. Add a provision stating that proposed law shall not be construed to authorize the office of state fire marshal to inspect any real property, including a private residence.
3. Add a provision stating that proposed law shall not be construed to apply to the regulation of certain structures already provided for in present law.