

Regular Session, 2012

# ACT No. 371

HOUSE BILL NO. 71

BY REPRESENTATIVE BERTHELOT

1 AN ACT

2 To enact R.S. 40:1602, relative to the state fire marshal; to authorize the state fire marshal  
3 to issue a burn ban; to authorize the state fire marshal and the commissioner of  
4 agriculture to issue civil fines for violations; to provide for the amount of the civil  
5 fine; to provide for the appeal of the civil fines; to provide for the deposit of monies  
6 collected in the Life Safety and Property Protection Trust Fund; to exempt prescribed  
7 burning; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1602 is hereby enacted to read as follows:

10 §1602. Burn ban; authority of the state fire marshal; civil citation

11 A. The state fire marshal may issue an order to prohibit or limit the private  
12 outdoor burning of materials in any area of this state.

13 B.(1) The state fire marshal or his representative or the commissioner of the  
14 Department of Agriculture and Forestry or his representative may impose a civil fine  
15 of two hundred fifty dollars for the violation of an order issued pursuant to this  
16 Section.

17 (2) Any penalties imposed pursuant to this Subsection may be appealed in  
18 accordance with the provisions of the Administrative Procedure Act.

19 (3) The penalties collected pursuant to this Subsection shall be deposited into  
20 the Louisiana Life Safety and Property Protection Trust Fund within the state  
21 treasury as provided for in R.S. 40:1664.9. The monies shall be deposited to the  
22 credit of the fund and shall, in addition to any other monies available for such  
23 purpose, be available to the state fire marshal to support fire safety and prevention  
24 programs.

1                    C. This Section shall not apply to prescribed burning as defined in R.S. 3:17.

2                    Section 2. This Act shall become effective upon signature by the governor or, if not

3 signed by the governor, upon expiration of the time for bills to become law without signature

4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

5 vetoed by the governor and subsequently approved by the legislature, this Act shall become

6 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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