



**JOHN BEL EDWARDS**  
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**DEPUTY SECRETARY**

**State of Louisiana**  
*Department of Public Safety and Corrections*  
*Public Safety Services*

December 26, 2019

House Judiciary Committee  
Representative Katrina R. Jackson, Chairwoman

Senate Judiciary B Committee  
Senator Gary Smith, Jr., Chairman

Re: Summary Report per administrative rules proposed by the Liquefied Petroleum Gas Commission (LAC 55:IX.105, 107, 109, 113, 117, 181, 205 and 1513)

Dear Chairwoman Jackson and Chairman Smith,

The Department of Public Safety, Liquefied Petroleum Gas Commission, hereafter referred to as the "Commission", hereby submits the following summary report pursuant to La. R.S. 49:968(D)(1)(b) and asserts its intentions to proceed with rule-making by finalizing the October 20, 2019 Notice of Intent. As stated in my letter dated October 10, 2019, the following amendments are proposed by the Commission:

Section 105: Applications. This is a technical language change to make the rule more readable. As opposed to listing the classes of permits that are excluded from the application requirements, the classes of permits that the requirements are applicable to are cited therein.

Section 107: Requirements. The filing fee for permits is amended from \$150.00 to \$100.00. This change is to correct a previous rule adoption that changed the fee from \$100.00 to \$150.00. The previous rule change was inadvertently promulgated and the \$150.00 fee was never enacted by the Commission, as it would be more burdensome than the national average. In addition, the requirement for registrations to pay the fee is eliminated due to the fact that registrations are now obsolete.

In addition to the amendment regarding the filing fees, Section 107 also amends the continuing education requirements. This was requested by industry for the purpose of holding the industry to a higher standard.

Section 109: Compliance with Rules. This amendment repeals Section 109(D) which is a specified fee schedule for proposed civil penalties per violations of the rules. Section 109(B) already mirrors the language in statute, which sets a pay scale consisting of a monetary "floor" (not less than \$100.00) and a monetary "ceiling" (not more than \$1,000.00), for the amount that can be assessed for a proposed penalty.

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Section 113: Classes of Permits and Registrations. This is a technical language amendment that corrects the previous promulgation which failed to include the word "and".

Section 133: Shall Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction.

Section 177: Appliance Installations and Connections.

Section 181: National Fire Protection Association Pamphlet Number 54 and 58.

Section 205: Installation of Liquefied Petroleum Gas Systems Used as Engine Fuel System for School Bus/Mass Transit Vehicles.

Sections 133, 177, 181 and 205 adopt the latest version of the national standards found in the National Fire Protection Association (NFPA) 58-2017 edition. Previously the 2008 edition of the NFPA was adopted and utilized by the Commission.

Section 1513: Classes of Permits. This is an amendment to add language which was inadvertently omitted from the rule. The omitted language defines Class A2 anhydrous ammonia permits. This mirrors Section 1513(A)(1) which defines Class A1 anhydrous ammonia permits.

A copy of the Notice of Intent, as published in the October 2019 edition of the *Louisiana Register* (Vol.45, No. 10), is attached hereto and labeled as Exhibit "A". The deadline to submit comments or request a public hearing was November 7, 2019 at 4:30 p.m. Pursuant to R.S. 49:953(A)(2)(a), there were no comments submitted nor was there a request for a public hearing. Therefore, a hearing was not held.

Please advise if you have any questions or concerns. Subject to legislative oversight by either committee, the Commission intends to submit a Rule to the Office of State Register for publication in the February 2020 edition of the *Louisiana Register*.

Thank you for your attention to this matter. With best regards, I remain



MELINDA L. LONG, Attorney  
Liquefied Petroleum Gas Commission

C.c. John W. Alario, Executive Director  
Liquefied Petroleum Gas Commission

associated with the proposed rules is indeterminable, however any revenue raised from this source represents new SGR collections for the department.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules may have a cost to Claims Adjuster Pre-Licensing Education Programs that choose to register with the LDI, as they would have to provide LDI application documents and a \$250 application fee and \$25 fee per program or course. However, in registering with the LDI, they will gain benefits by being easily accessible to Claims Adjusters seeking to participate in their education programs. The proposed regulation will also benefit Claims Adjusters by gaining easy access to a list of approved pre-licensing programs on the LDI website.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules may affect competition among firms providing pre-licensing education programs, as those pre-approved by the LDI may realize greater market share than those not pre-approved by LDI.

Nicholas Lorusso  
Chief Deputy Commissioner  
1909#075

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Office of Motor Vehicles

#### Liquefied Petroleum Gas (LAC 55:IX.105, 107, 109, 113, 177, 181, 205 and 1513)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, in accordance with R.S. 40:1846 and with the Administrative Procedure Act., R.S. 49:950 et seq., hereby gives notice of its intent to amend the following sections: 105 with regard to applications, 107 with regard to general requirements of permit holders to include a change to filing fees and continuing education requirements, 109 to rescind proposed civil penalties, 113 with regard to correcting verbiage of initial promulgation, 133, 177, 181 and 205 to adopt the 2017 edition of the NFPA 58 and 1513 with regard to correcting language/codification per Class A2 permits.

#### Title 55

#### PUBLIC SAFETY

#### Part IX. Liquefied Petroleum Gas

#### Chapter 1. General Requirements

#### Subchapter A. New Dealers

#### §105. Applications

A. Any person, firm, or corporation desiring to enter the liquefied petroleum gas business in the state of Louisiana shall file formal application for a permit or registration with the commission. In the case of Class VI and Class VIII permits, a formal application for a permit shall be filed for each location. All other classes of permits and registrations require only one formal application for the permit or registration. These applications for permits or registrations shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fees, qualification of personnel, providing proof of insurance and if applicable,

final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits or registrations at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified for Class I, IV and VI. The applicant's supplier is prohibited from being the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit to be represented by another party other than a principal officer, director, manager, or attorney. The formal application form(s) will be furnished by the commission upon request.

#### B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 24:460 (March 1998), LR 25:1262 (July 1999), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007, LR 38:1256 (May 2012), LR 45:

#### §107. Requirements

A. Before any permit or registration may be issued from the office of the director, all applicants shall have complied with or agree to comply with the applicable requirements as follows:

1. Shall deposit filing fee of \$100 for Class I, IV and VI; \$50 for Class VI-X and \$25 for all remaining permits. This fee shall accompany application.

2. - 8.c.i.(f). ...

ii. Continuing Education

(a). Class I employees with a commission certificate of competency shall have six hours of approved continuing education every year in order to maintain their certificates of competency.

8.c.ii.(b). - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201 (October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 41:395 (February 2015), LR 42:427 (March 2016), LR 42:1671 (October 2016), LR 43:967 (May 2017), LR 45:

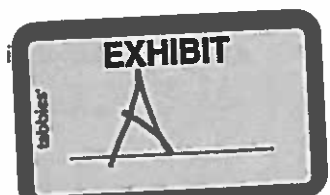
#### §109. Compliance with Rules

A. - C. ...

D. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.



HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:2567 (October 2005), LR 38:1259 (May 2012), LR 45:

### **§113. Classes of Permits and Registrations**

A. - A.2.e. ...

3. Class III Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from dealers who hold a valid liquefied petroleum gas permit and resell the aforementioned purchased liquefied petroleum gas product to end users utilizing floor maintenance machines and/or industrial trucks (forklifts) on their premises. Holders of these permits shall not deliver gas or engage in repairing liquefied petroleum gas containers or systems.

3.a. - 13.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:701 (July 1995), LR 24:461 (March 1998), LR 25:2411 (December 1999), LR 29:2509 (November 2003), LR 33:1141 (June 2007), effective July 1, 2007, LR 38:1259 (May 2012), LR 41:395 (February 2015), LR 43:967 (May 2017), LR 45:

### **Subchapter B. Dealers**

#### **§133. Shall Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction**

A. ...

B. A manufacturer of liquefied petroleum gas containers shall be listed by the commission as acceptable when it has met or exceeded the requirements of Chapter 5, NFPA 58, 2017 edition and provided documentation acceptable to the commission of the same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998), LR 38:1263 (May 2012), LR 42:427 (March 2016), LR 45:

### **Subchapter G. Systems Utilizing ASME and D.O.T. Containers**

#### **§177. Appliance Installation and Connections**

A. - C.3.e. ...

f. combustion and ventilation air is provided as specified in Part 9.3 of the National Fuel Gas Code, NFPA-54, 2018 edition, that the commission has adopted.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1403 (December 1994), amended LR 24:469 (March 1998), LR 25:2412 (December 1999), LR 38:1268 (May 2012), LR 45:

### **Subchapter I. Adoption of Standards**

#### **§181. National Fire Protection Association Pamphlet Numbers 54 and 58**

A. The Liquefied Petroleum Gas Commission hereby adopts the *National Fuel Gas Code*, 2018 edition. The National Fire Protection Association designation is NFPA 54 2018. The Liquefied Petroleum Gas Commission also adopts the *Liquefied Petroleum Gas Code*, 2017 edition. The National Fire Protection Association designation is NFPA 58 2017 edition.

B. - D.1. ...

E. The following are exceptions to the code and standards referenced in §181.A.

1. - 5. Repealed.

6. Pursuant to §6.27.3.16, *Shut-Off Valve on End of Transfer Hose*, NFPA 58-2017 edition, the provisions of §6.27.3.16 shall be considered met in Louisiana if a listed quick-acting shut off valve with positive lock off or a listed globe valve is installed at the discharge end of the transfer hose.

7. Pursuant to §7.4.3.1, NFPA 58-2017 edition, the maximum permitted filling limit for any container, where practical, shall be determined by weight. DOT specification cylinders of 200 lbs. propane capacity or less that are in commerce or transportation shall be filled by weight only. Exceptions:

a. - c. ...

8. Repealed.

9. Pursuant to §9.3.2.9, NFPA 58-2017 edition, clarification for cylinders being transported. Liquefied petroleum gas cylinders having a 4 pound liquefied petroleum gas capacity or greater shall be transported having the relief valve in communication with the vapor space of the cylinder.

10. Pursuant to §8.4.2.2, NFPA 2017 edition, the following provisions shall be met:

a. - f. ...

11. Repealed.

12. Pursuant to §6.8.1.6, *Flotation Prevention-Clarification*, NFPA 58-2017 edition, installations requiring flotation prevention measures may use either the commission's guidelines or use methods or products from a qualified agency with proper documentation acceptable to the commission.

13. Repealed.

14. Pursuant to §6.21.2.1, *Installation of Liquid Transfer Facilities*, NFPA 58-2017 edition, when vented liquefied petroleum gas is used as the sole method of transferring liquid liquefied petroleum gas from one container to another (i.e. pressure differential, gravity filling), the distances in table 6.7.2.1 shall be doubled.

15. Pursuant to §6.26, *L. P. Gas on Vehicles (other than engine fuel systems)*, NFPA 58- 2017 edition, the office of the director may establish inspection procedures (including decals of approval) for mobile units utilizing liquefied petroleum gas to fuel appliances. These inspection procedures would be in addition to applicable regulations of NFPA 58, 2017 edition.

16. Pursuant to NFPA 58-2017 edition, *Vehicle Barrier Protection (VBP)*, as defined in Section 3.3.88 and to protect containers from vehicular impact installed in the scope of

Chapter 6 of the this edition, including but not limited to *Vehicle Fuel Dispensers and Dispensing Systems* in Section 6.27, dealers may use either the commission's guidelines established, or use methods or products from a qualified agency, including engineers with proper documentation acceptable to the commission that adequate vehicle barrier protection has been provided.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1846.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 20:1404 (December 1994), amended LR 24:470 (March 1998), LR 25:1263 (July 1999), LR 25:2412 (December 1999), LR 27:2257 (December 2001), LR 31:2568 (October 2005), LR 37:913 (March 2011), LR 38:1269 (May 2012), LR 45:

**Chapter 2. School Bus and Mass Transit Installations**  
**§205. Installation of Liquefied Petroleum Gas Systems Used as Engine Fuel System for School Bus/Mass Transit Vehicles**

A. Installation of a liquefied petroleum gas system used as an engine fuel system for school bus/mass transit vehicles shall be in accordance with the applicable sections of Chapter 11 of the NFPA 58 of the 2017 edition that the commission has adopted.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1846.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 18:866 (August 1992), amended LR 24:471 (March 1998); LR 26:1488 (July 2000), LR 38:1271 (May 2012), LR 41:396 (February 2015), LR 45:

**Chapter 15. Sale, Storage, Transportation and Handling of Anhydrous Ammonia**

**Subchapter A. New Dealers**

**§1513. Classes of Permits**

A. - A.1.d. ...

e. Shall pay an initial permit fee for the first year of operation in the amount of \$300 to the commission. For all succeeding years, the permit fee shall be one-half of 1 percent of the gross annual sales of anhydrous ammonia or \$300, whichever is greater.

f. - l. ...

2. Class A2. Holders of these permits may install and service anhydrous ammonia containers, piping and appliances, but shall not deliver anhydrous ammonia.

a. Shall file formal application for a permit with the commission. These applications for permits shall be administratively granted by the office of the director, upon complying with all commission requirements, such as payment of the applicable fee, qualification of personnel, providing proof of insurance and if applicable, final approval of a sketch, registration and safety inspection of tanker trucks. The commission shall ratify the permits at the first subsequent commission meeting after at least 20 days have elapsed after the permit has been administratively granted by the office of the director. Presence of applicant for the permit or his authorized representative is required at the commission meeting when the application for a permit is ratified. In no case will the applicant's supplier be the authorized representative. Only with special approval of the commission, under extenuating circumstances, will the commission allow the applicant for a permit other than a principal officer, director, manager, or attorney. The formal

application form(s) shall be furnished by the commission upon request.

A.2.b. - A.5.j. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1354. Effective August 15, 2010, Act 579 of the 2010 Regular Session, repealed R.S. 3:1354 and enacted R.S. 40:1911 et seq., and particularly R.S. 40:1914 as authority for anhydrous ammonia regulations.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:899 (July 1993), LR 25:2413 (December 1999), amended LR 27:423 (March 2001), repromulgated LR 27:565 (April 2001), LR 33:1144 (June 2007), effective July 1, 2007, LR 38:1274 (May 2012), LR 45:

**Family Impact Statement**

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed rules. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

**Small Business Impact**

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Poverty Statement**

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

### Provider Impact Statement

The proposed rules do not impact or affect a "Provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed rules have no effect or impact on a "Provider" in regards to:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the provider to provide the same level of service;
3. the ability of the provider to provide the same level of service.

### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than November 7, 2019 at 4:30 p.m. to Melinda L. Long, 7979 Independence Boulevard, Suite 307, Baton Rouge, LA 70806 or by Fax: (225) 925-4624. A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if needed.

John W. Alario  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Liquefied Petroleum Gas

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in additional costs or savings for state or local governmental units. The proposed rule adopts standards for repairs made to manufactured homes that are built after July 15, 1976, and are no longer in compliance with the standards in which they were built, requiring that repairs shall be made in accordance with specified construction and safety standards as referenced.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on revenue collections for state or local governments as a result of the proposed rules.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The adoption of the proposed rule is anticipated to impact directly affected persons or non-governmental groups. It is anticipated that owners of manufactured homes may realize an indeterminate increase in costs to repair their homes in accordance with the adopted standards. The cost cannot be quantified due to the type and/or number of repairs that need to be made. Electricians, plumbers and other professionals may realize economic benefits arising from changes to repair standards for manufactured homes.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is an anticipated positive effect on employment as a result of the proposed rule changes. Instead of making repairs themselves, owners of manufactured homes that need to be repaired may hire electricians, plumbers or other professionals to make the repairs.

Lt. Col. Jason Starnes  
Deputy Superintendent/CAO  
1909/064

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

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

#### Manufactured Housing Repairs (LAC 55:V.555 and 557)

Under the authority of R.S. 51:911.26(E) and (F)(11) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of State Fire Marshal, Manufactured Housing Commission, gives notice that Rulemaking procedures have been initiated to amend, supplement, expand portions of and readopt the manufactured housing commission regulations, LAC 55:V.Chapter 5. The proposed Rule adopts standards for repairs made to manufactured homes that are built after July 15, 1976 and are no longer in compliance with the standards to which they were built.

#### Title 55

#### PUBLIC SAFETY

#### Part V. Fire Protection

#### Chapter 5. Manufacture Housing (Installation)

#### Subchapter C. Repairs

#### §555. Definitions

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

*Act*—the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974 (42 U.S.C. 5401 et seq.).

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

*Inspect*—a visual examination of manufactured homes to verify that it appears to be in operating condition and is free of physical damage.

*Local Jurisdiction*—city, town, township, parish, village, or other general purpose political subdivision of the State of Louisiana that has the authority to make legal pronouncements and administer judicial and regulatory enforcement to individuals and companies who are conducting transactions within the given geographical location.

*LSUCCC*—the Louisiana State Uniform Construction Code Council.

*Manufactured Home and Manufactured Housing*—a prefabricated, factory built home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent residential dwelling unit. Homes built since 1976 are constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, as amended, the Housing and Community Development Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

*Public Entity*—the state and any of its branches, departments, offices, agencies, boards, commissions, instrumentalities, officers, officials, employees, and political