

SENATE BILL NO. 489

BY SENATOR CATHEY AND REPRESENTATIVES CREWS, DICKERSON,
EDMONSTON, GADBERRY, HORTON, MCCORMICK AND
THOMPSON

AN ACT

To amend and reenact R.S. 40:1578.6, 1578.7(A), (B), (C), (D), and (E), 1730.22(A),
1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and
(B), and 1740, and to repeal R.S. 40:1732, and 1734 through 1736, relative to the fire
marshal; to provide for powers of the fire marshal; to provide for the Louisiana State
Uniform Construction Code; to provide for adoption of certain codes; to provide for
accessibility of buildings; to provide for terms, conditions, and procedures; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1578.6, 1578.7(A), (B), (C), (D), and (E), 1730.22(A),
1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and (B), and
1740 are hereby amended and reenacted to read as follows:

~~§1578.6. National Fire Protection Association's Life Safety Code; Southern Standard~~
~~Building Code~~ **Louisiana State Uniform Construction Code;**
applicability to ~~high-rise~~ structures; minimum standards; existing
hazardous buildings; appeal

A. Adequate protection for life safety shall be afforded in every structure or
movable as those terms are defined in R.S. 40:1573. To afford such protection, all
newly constructed structures and movables shall comply with the rules and
regulations to be promulgated by the ~~fire marshal~~ **Louisiana State Uniform**
Construction Code Council in conformity with the Administrative Procedure Act
which shall establish as minimum standards the provisions of the ~~Life Safety Code~~

1 of the National Fire Protection Association, and Section 518 - Special Provisions for
2 High Rise, of Chapter IV of the Southern Standard Building Code, Louisiana State
3 Uniform Construction Code as applicable to high-rise structures, including high
4 rise buildings, as both are ~~annually~~ or periodically amended, and the fire marshal
5 shall be the authority having jurisdiction to enforce compliance with the fire
6 protection, egress, and accessibility provisions of such regulations. ~~The effective~~
7 ~~date for enforcement shall be one hundred eighty days after adoption and~~
8 ~~promulgation under the Administrative Procedure Act.~~

9 B. In addition to the provisions of Subsection A of this Section, the
10 facilities provided for in R.S. 40:1563(C)(4) shall comply with the provisions of
11 the Life Safety Code of the National Fire Protection Association as promulgated
12 by the fire marshal in conformity with the Administrative Procedure Act.

13 ~~B.C.~~ A parish or municipality which, prior to January 1, 1975, had adopted
14 and is enforcing a nationally recognized model building code ~~and/or~~ or fire
15 prevention code or a code equal to a nationally recognized building code ~~and/or~~ or
16 fire prevention code may continue to enforce such codes in place of the codes
17 required in the paragraph above; however, such codes shall contain requirements that
18 are substantially equal to the fire marshal's code with respect to high rise buildings,
19 mandatory automatic sprinkler and extinguishment systems, and fire detection
20 systems.

21 ~~C.D.(1)~~ This Section shall not apply to existing buildings, except as provided
22 for by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless
23 the fire marshal deems that a serious life hazard exists due to a particular condition,
24 at which time he can require the institution of proper fire protection measures to
25 alleviate the particular hazards noted according to either of the following: the
26 ~~chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code;~~
27 ~~as most recently adopted by administrative rule by the office of the state fire marshal;~~
28 ~~code enforcement and building safety. Such directives of the fire marshal may be~~
29 ~~appealed to the board of review. "Lawfully constructed and maintained" as used in~~
30 ~~this Subsection means in conformance with the laws, codes, rules, and regulations~~

1 ~~in force at the time of original construction.~~

2 **(a) The chapter on existing buildings of the 2015 edition of the N.F.P.A.**
3 **Life Safety Code for facilities pursuant to R.S. 40:1563(C)(4) and structures that**
4 **are permitted for construction prior to January 1, 2026.**

5 **(b) The International Code Council's International Existing Building**
6 **Code as adopted by the Louisiana State Uniform Construction Code Council in**
7 **accordance with R.S. 40:1730.28 for structures that are permitted for**
8 **construction on or after January 1, 2026.**

9 **(2) Such directives of the fire marshal may be appealed to the board of**
10 **review. "Lawfully constructed and maintained" as used in this Subsection**
11 **means in conformance with the laws, codes, rules, and regulations in force at the**
12 **time of original construction.**

13 §1578.7. State Uniform Fire Prevention Code

14 A. It is hereby found and declared by the legislature that the protection of life
15 and property will be enhanced by adoption of the National Fire Prevention Code, as
16 it is published by the National Fire Protection Association **or the International Fire**
17 **Code, as it is published by the International Code Council.** It is also hereby found
18 ~~and declared by the legislature that the adoption of NFPA 1 will complement and not~~
19 ~~conflict with the National Fire Protection Association's Life Safety Code.~~

20 B. The National Fire Prevention Code, known as NFPA 1, ~~1997 edition,~~
21 ~~published and maintained by the National Fire Protection Association~~ **or the**
22 **International Fire Code, known as the IFC,** is hereby adopted as the State
23 Uniform Fire Prevention Code ~~to the extent that it does not conflict with the National~~
24 ~~Fire Protection Association's Life Safety Code. Application of requirements that~~
25 ~~pertain to buildings shall be limited to structures, watercraft, and movables as~~
26 ~~defined by R.S. 40:1573.~~

27 C. If a fire prevention code is adopted by any political subdivision of the
28 state, it ~~must~~ **shall** adopt the State Uniform Fire Prevention Code.

29 D. Nothing in this Section shall be construed ~~so as~~ to prevent the state fire
30 marshal from enforcing the ~~National Fire Protection Association's Life Safety Code~~

1 fire protection, egress, and accessibility provisions of the Louisiana State
2 Uniform Construction Code, excluding the provisions for one- and two-family
3 dwelling, as adopted by the Louisiana State Uniform Code Council in
4 accordance with R.S. 40:1730.28, nor any other laws of the state, the enforcement
5 of which are his statutory and regulatory responsibility.

6 E. The state fire marshal shall have the power and authority to promulgate
7 those rules and regulations as may be necessary to incorporate or adopt any
8 subsequent amendments or additions to the State Uniform Fire Prevention Code to
9 conform to NFPA 1 or the IFC, as ~~it is~~ they are subsequently amended or issued as
10 a new edition by the National Fire Protection Association or by the International
11 Code Council.

12 * * *

13 §1730.22. Louisiana State Uniform Construction Code Council; membership;
14 function of council; meeting requirements; immunity

15 A. The Louisiana State Uniform Construction Code Council, hereinafter in
16 this Part referred to as the "council", is hereby created and shall consist of twenty
17 members, one of whom shall be the state health officer, or his designee, and one of
18 whom shall be the fire marshal, or his designee. With the exception of the state
19 health officer, or his designee, and the fire marshal, or his designee, who shall
20 serve by virtue of his position, each member of the council shall be appointed by the
21 governor, subject to Senate confirmation, and shall serve at the pleasure of the
22 governor. With the exception of the state health officer, or his designee, and the fire
23 marshal, or his designee, each term for a member of the council shall be four years
24 where a member shall serve no more than two consecutive terms. Each member of
25 the council shall serve without compensation but shall be reimbursed for actual
26 expenses and mileage incurred while attending council meetings in accordance with
27 state travel regulations promulgated by the division of administration.
28 Reimbursement shall be limited to mileage and expenses for the attendance of twelve
29 meetings per calendar year.

30 * * *

§1730.23. Enforcement of building codes by municipalities ~~and parishes, parishes,~~
and the fire marshal

A.~~(1)~~ Notwithstanding any other law to the contrary relating to the authority of local governments to enforce construction codes, all municipalities and parishes in this state shall enforce only the construction codes provided for in this Part. All municipalities and parishes shall use building code enforcement officers or certified third-party providers contracted by the municipality, parish, or regional planning commission to act in the capacity of a building code enforcement officer to enforce the provisions of this Part. Enforcement procedures by building code enforcement officers or third-party providers acting in the capacity of a building code enforcement officer shall include examination or review of plans, drawings, or specifications; the conducting of inspections; and the issuance, denial, or revocation of permits. A building code enforcement officer, third-party provider, or third-party provider contracted by a jurisdiction as provided for in R.S. 40:1730.24(A) shall not conduct plan review or inspections on a commercial or residential structure if such officer or provider owns any interest in the legal entity that constructed such commercial or residential structure or receives any compensation from the legal entity other than the fees that are charged for plan review or inspections. Nothing in this ~~Subsection~~ **Paragraph** shall be construed to prevent a commercial or residential contractor or homeowner from using a third-party provider as provided for in R.S. 40:1730.24(B). Nothing in this ~~Subsection~~ **Paragraph** shall be construed to prevent a commercial contractor or commercial owner from using the office of state fire marshal as a third-party provider as provided for in R.S. 40:1730.24(B) on commercial structures in any parish within the state with a population of less than forty thousand and whose boundaries lie completely north of the one hundred ten mile per hour wind line, as shown in the American Society of Civil Engineers (ASCE-7) basic wind speeds map published in the latest edition of the International Building Code.

(2) Nothing in this Section shall be construed to prevent the fire marshal from enforcing the fire protection, egress, and accessibility provisions of the

Louisiana State Uniform Construction Code, excluding the provisions for one- and two-family dwellings, as adopted by the council in accordance with R.S. 40:1730.28.

* * *

§1730.28. Mandatory adoption of certain nationally recognized codes and standards as the state uniform construction code; adoption by reference

A. Except as provided in Subsection C of this Section, the council shall evaluate, adopt, and amend only the latest editions of the following as the State Uniform Construction Code:

(1) International Building Code, not including Parts I-Administrative, ~~Chapter 11-Accessibility~~, and Chapter 27-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption.

* * *

§1730.39. Powers of state fire marshal

A.(1) The state fire marshal may ~~establish contract agreements~~ enter into agreements by letter of intent with municipalities and parishes in order to provide code enforcement on behalf of the municipality or parish as provided in R.S. 40:1730.24 of this Part.

* * *

~~C. Nothing in this Part shall be construed so as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in R.S. 40:1730.41 et seq.~~ The fire marshal shall enforce the fire protection, egress, and accessibility provisions of the Louisiana State Uniform Construction Code, excluding the provisions for one- and two-family dwellings, with referenced standards as adopted by the council in accordance with R.S. 40:1730.28.

* * *

§1733. ~~ADA~~ Standards to prevent architectural barriers

~~C. The state fire marshal shall have the power and authority to promulgate those rules and regulations as may be necessary to incorporate or adopt any subsequent amendments or additions to or editions of the ADA Standards, as it is subsequently amended or issued as a new edition adopted by the United States Department of Justice.~~

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§1737. Violations; enforcement by fire marshal

A. In cases of practical difficulty or unnecessary hardship, the state fire marshal may, after consultation with Louisiana Rehabilitation Services, grant exceptions from the literal requirements of the standards and specifications required by this Part or permit the use of other methods or materials. Unless a written exception is granted by the fire marshal, any unauthorized deviation from ~~ADA Standards~~ **International Building Code Chapter 11-Accessibility** shall be rectified by full compliance within ninety days after discovery of the deviation and delivery of a copy of the order requiring remedying of the deviation to the occupant or any person in charge of the premises personally or by registered or certified mail. If no person is found on the premises, the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance of the premises.

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§1738. Review of plans and specifications before construction begins

A. No building permits shall be issued, no state contracts shall be awarded, nor shall any change in new building plans which affect compliance with ~~ADA Standards~~ **the International Building Code Chapter 11-Accessibility** be approved, concerning any public buildings or facilities or private buildings or facilities until the fire marshal has reviewed and stated that the plans and specifications regarding accessibility appear to him to comply with the ~~ADA Standards~~ **the International Building Code Chapter 11-Accessibility**.

B. In each case the application for review shall be accompanied by the plans and full, complete, and accurate specifications which shall comply in every respect with any and all requirements prescribed by the ~~ADA Standards~~ **the International Building Code Chapter 11-Accessibility**.

* * *

§1740. Enforcement of Part

A. For purposes of enforcing this Part, in any instance in which the ~~ADA Standards are~~ **the International Building Code Chapter 11-Accessibility** is not complied with, the local building code authorities and the health authorities shall have authority to enforce these standards. Written approval by the fire marshal shall be presumptive evidence of compliance with ~~ADA Standards~~ **the International Building Code Chapter 11-Accessibility** but shall not be considered conclusive and local building code authorities and health authorities shall have the power to review all construction within their jurisdiction to the end that the intent of this legislation shall be enforced.

B. Local building code authorities, health authorities, or any individual may seek an injunction to halt construction or require compliance with ~~ADA Standards~~ **the International Building Code Chapter 11-Accessibility** of any public building or facility or private building or facility which has been constructed or is being constructed in violation of this Part. All actions shall be brought in the district court of the parish in which the public building or facility or private building or facility, or portion thereof, that is not in compliance, is situated.

Section 2. R.S. 40:1732 and 1734 through 1736 are hereby repealed.

1 Section 3. This Act shall become effective on July 1, 2026; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on the day
3 following such approval by the legislature or July 1, 2026, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____