

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

---

DIGEST

SB 489 Original

2024 Regular Session

Cathey

Present law defines "office" as the office of state fire marshal.

Proposed law retains present law and further adds the term "fire prevention bureau" to the definition of "office".

Present law provides that the office of state fire marshal shall have authority to charge each family child care provider and in-home provider applying for registration or renewal of registration an annual fee for services.

Proposed law retains present law and allows the fire prevention bureau to charge each family child care provider and in-home provider applying for registration or renewal of registration an annual fee for services.

Present law provides that the fire marshal shall take steps to protect life and property from hazards or fire and panic which may arise from fire or from the threat of fire or explosion, except for open structures and process structures. Further provides that the fire marshal shall supervise the following:

- (1) Construction and maintenance of exits, including fire escapes, exit doors, and emergency lighting.
- (2) The installation and operation of heating, air conditioning, and ventilating systems.
- (3) The use of flammable materials for decorative purposes in places of public assembly.
- (4) The inspection of all structures, except one- and two-family dwellings and movables, for the purpose of reducing or eliminating fire hazards.

Proposed law retains the portion of present law that provides that the fire marshal shall take steps to protect life and property from hazards or fire and panic which may arise from fire or from the threat of fire or explosion, except for open structures and process structures. Further provides that the fire marshal shall supervise the enforcement of the State Uniform Construction Code fire protection provisions as adopted by the La. State Uniform Construction Code Council when requested by the local governing authority.

Proposed law removes other provisions of present law requiring supervision from the fire marshal.

Proposed law provides that the fire marshal shall not regulate one-and two-family dwellings and movables.

Present law provides that a local governing authority may properly establish a fire prevention bureau by special ordinance and accompanying resolution and a fire prevention bureau may apply for certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of the special ordinance which conforms to the following requirements which are applicable to existing fire prevention bureaus:

- (1) The fire prevention bureau must be headed by a chief of a fire department or a person designated by the chief of a fire department.
- (2) The fire prevention bureau shall be staffed with qualified individuals whose credential have been reviewed by the fire marshal and who have successfully completed, according to criteria established by the fire marshal, special training in fire inspection and fire codes in a course approved by the fire marshal at the office of state fire marshal Fire and Emergency Training Academy or a course deemed equivalent or superseding by the fire marshal.
- (3) Requiring adoption as a minimum standard those codes as adopted and enforced by the state fire marshal.
- (4) Requiring copies of inspection reports to be filed with the state fire marshal's office on forms acceptable to the fire marshal.
- (5) Requiring continuing education as necessary to maintain standing through a training program recognized by the fire marshal.
- (6) Recognizing the authority of the fire marshal to monitor the performance of the fire prevention bureau in the performance of those functions which would otherwise be performed by the fire marshal.

Proposed law removes the requirement of the fire prevention bureau applying for a certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of a special ordinance and the following requirements:

- (1) Requiring adoption as a minimum standard those codes as adopted and enforced by the state fire marshal.
- (2) Requiring copies of inspection reports to be filed with the state fire marshal's office on forms acceptable to the fire marshal.
- (3) Recognizing the authority of the fire marshal to monitor the performance of the fire prevention bureau in the performance of those functions which would otherwise be performed by the fire marshal.

Present law provides that the fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and schools where applicable federal and state life safety codes shall be the codes applying

to these facilities.

Proposed law retains present law except provides that the fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and schools where the State Uniform Construction Code and the federally mandated regulations shall be the codes applying to these facilities. Further provides that nothing contained in proposed law shall limit the local building code official or building code enforcement officer from enforcing the State Uniform Construction Code.

Present law provides that the fire marshal shall not conduct or supervise inspections in all remaining matters where a fire prevention bureau is properly certified unless specifically required by the fire prevention bureau or the local governing body of that jurisdiction or upon a complaint by any citizen. Further provides that the fire marshal may report any complaint received from a citizen to the appropriate fire prevention bureau and the fire marshal may conduct a joint inspection with the fire prevention bureau.

Proposed law removes the requirement of the fire marshal to conduct or supervise an inspection based on the complaint of a citizen. Further removes the ability for the fire marshal to conduct a joint inspection with the fire prevention bureau.

Present law defines "fire prevention bureau".

Proposed law retains present law except expands the definition of "fire prevention bureau" to mean a locally governed jurisdiction staffed by qualified individuals whose qualifications meet the minimum credentials and continuing education as required by the La. State Uniform Construction Code Council.

Present law allows the fire marshal to designate any of his regular, salaried deputies to act for him with respect to matters of appeal from notices for the abatement of hazardous conditions.

Proposed law removes present law.

Present law allows the fire marshal to charge fees for conducting inspections as a private person and the state. The inspection fee shall be designed to cover the cost of the inspections. The inspection fees shall be based on the time required for the inspection multiplied by 2.5 times the average hourly pay rate for inspectors, provided however, all nonpublic elementary and secondary schools shall be exempt from the payment of fees.

Proposed law retains present law and further provides that the inspection fee for federal agencies shall be based on the contractual agreement with the federal agency.

Present law defines the terms "attached enclosed garage" and "hotel".

Proposed law removes the terms "attached enclosed garage" and "hotel".

Present law allows the fire marshal to petition the court when refused permission to conduct an inspection.

Proposed law retains present law and allows the fire prevention bureau the ability to petition the court when refused permission to conduct an inspection.

Present law provides that upon complaint of any person or upon his own initiative a fire marshal may inspect structures, watercrafts, or movables, except for interiors of private and one- or two-family dwellings.

Proposed law retains present law and further allows fire prevention bureaus to inspect structures, watercrafts, or movables, except for interiors of private and one- or two-family dwellings, upon complaint of any person or upon his own initiative.

Present law allows the fire marshal to inspect tents sold or manufactured after January 1, 1975, that are not made with fire resistant material or has been treated to render it fire resistant.

Proposed law allows a fire prevention bureau to inspect tents pursuant to present law.

Present law defines "certify" as attesting to the proper functionality, inspection, installation, integration, programming, and service of life safety and property protection systems and equipment in accordance with all applicable engineered specifications, manufacturer specifications, and submitted plans and per the inspection, testing and maintenance chapters as set forth in the applicable codes and their reference standards as adopted by the NFPA, ASME, ANSI, and ASCE codes, standards, and manufacturer specifications.

Proposed law replaces standards adopted by specific code with standards adopted by the La. State Uniform Construction Code Council.

Present law provides relative to enforcement of building codes by municipalities and parishes and provides that a parish or municipality may accept determinations made by the state fire marshal as they pertain to life safety and fire protection as required in present law.

Proposed law removes present law that gives the parish or municipality the ability to accept determinations made by the state fire marshal as they pertain to life safety and fire protection as required in present law.

Proposed law adds a requirement of the La. State Uniform Construction Code Council to evaluate, adopt, and amend only the latest editions of the International Fire Code.

Present law provides that the state fire marshal may establish contract agreements with municipalities and parishes in order to provide code enforcement on behalf of the municipality or parish as provided by present law.

Proposed law retains present law.

Present law provides that the contract agreement may include a provision that permits the state fire marshal to take into consideration practical and unreasonable economic hardships before applying the strict requirements of the State Uniform Construction Code.

Present law provides that pursuant to the contractual agreement with a municipality or parish and upon request of the professional of record for a plan review of a structure, except one- or two- family dwellings, the state fire marshal may allow alternative materials, designs, and methods of constructions and equipment that comply with the provisions of the International Building Code related to alternative materials, design, and methods of construction and equipment.

Present law provides that the state fire marshal may adopt, in accordance with Administrative Procedure Act, the provisions set forth in the International Building Code, Part I-Administrative, relative to alternative materials, design, and methods of construction and equipment.

Proposed law removes provisions of present law that provide relative to waivers for economic hardship or allow alternative materials, designs, and methods of construction and equipment.

Proposed law repeals present law (R.S. 40:1573.1) which provides for historic building renovations initiatives.

Proposed law repeals present law (R.S. 40:1574) which provides for construction or repair of structures.

Proposed law repeals present law (R.S. 40:1574.1) which provides for cost of handling plans.

Proposed law repeals present law (R.S. 40:1577) which provides for an appeal made by a property owner or occupant, from an order made by one of the deputies or representatives of the fire marshal.

Proposed law repeals present law (R.S. 40:1578) which provides for compliance with orders made from a fire marshal or an authorized representative.

Proposed law repeals present law (R.S. 40:1578.1) which provides for the establishment of a board of review to evaluate alternatives to fire prevention or protection law and regulations established by the fire marshal.

Proposed law repeals present law (R.S. 40:1578.2) which provides for an appeal to the board.

Proposed law repeals present law (R.S. 40:1578.3) which provides for emergency closures during an appeal.

Proposed law repeals present law (R.S. 40:1578.4) which provides for procedures if an order is issued and no appeal is taken.

Proposed law repeals present law (R.S. 40:1578.5) which provides for appeals from decisions of the board of review.

Proposed law repeals present law (R.S. 40:1578.6) which provides for National Fire Protection Association's Life Safety Code, Southern Standard Building Code, applicability to high rise structures, and existing hazardous buildings.

Proposed law repeals present law (R.S. 40:1578.7) which provides for the adoption of the National Fire Prevention Code.

Proposed law repeals present law (R.S. 40:1579) which provides for ingress by firemen.

Proposed law repeals present law (R.S. 40:1580) which requires fire exit maps in hotels or motel rooms.

Proposed law repeals present law (R.S. 40:1580.1) which provides for fire alarms in hotel or motel rooms.

Proposed law repeals present law (R.S. 40:1582) which provides for regulation of smoke detectors, carbon monoxide detectors, in one- or two- family dwellings.

Proposed law repeals present law (R.S. 40:1583) which provides that no person shall bolt, lock, obstruct, or block any exit or any passageway to any structure, watercraft, or moveable during public assemblage.

Proposed law repeals present law (R.S. 40:1591) which provides for enforcement of present law by the enforcement personnel of the state fire marshal.

Proposed law repeals present law (R.S. 40:1592) which provides that application of present law insofar as it affect structures existing on or before July 28, 1948.

Proposed law repeals present law (R.S. 40:1597.2) which provides for safety of the persons utilizing and working with conveyance devices, as well as to promote safety awareness by requiring conveyance device inspections by licensed elevator inspection.

Proposed law repeals present law (R.S. 40:1641) which provides for fire sprinkler systems in existing buildings.

Proposed law repeals present law (R.S. 40:1642) which defines the terms "fire protection sprinkler system", "existing high rise buildings", and "master plan".

Proposed law repeals present law (R.S. 40:1643) which provides for rules, regulations, and exceptions for fire protection sprinkler systems in existing high-rise buildings.

Proposed law repeals present law (R.S. 40:1644) which provides that no work shall begin until the plans and specifications have been submitted and reviewed by the fire marshal's office as required by present law. Further provides that there shall be a review charge assessed by the state fire marshal.

Proposed law repeals present law (R.S. 40:1645) which provides for criminal penalties for violating present law.

Proposed law repeals present law (R.S. 40:1646) which provides for that the fire marshal is authorized to cause the inspection, certification, and testing of all life safety systems and equipment in the state. Further provides for penalties and exceptions of life safety system equipment.

Proposed law repeals present law (R.S. 40:1646.1) allows employees of the fire marshal to conduct testing of life safety systems and equipment in the state.

Proposed law repeals present law (R.S. 40:1646.2) requires fire marshal to prepare and promulgate specifications establishing the size, shape, color, information, and data in all inspection and test reports of life safety systems and equipment in the state.

Proposed law repeals present law (R.S. 40:1646.3) which provides for procedures when the inspector determines that the fire sprinkler system is inoperative or deficient.

Proposed law repeals present law (R.S. 40:1664.17) which provides that a municipality or parish that has adopted and is enforcing a nationally recognized standard or code for conveyance devices may continue to enforce such standard or code, with no additional inspections required.

Proposed law repeals present law (R.S.40:1731) which provides for equal access to governmental and public facilities for the community or persons with disabilities.

Effective August 1, 2024.

(Amends R.S. 17:407.62(7), 407.66(A)(1), R.S. 40:1563, 1563.2(A), 1566.1, 1575(A) and (B), 1613, 1664.3(9), 1730.23(H) and (I), 1730.28(A)(1) and 1730.39; adds R.S. 40:1730.28(A)(9); repeals R.S. 40:1573.1, 1574, 1574.1, 1577, 1578, 1578.1, 1578.2, 1578.3, 1578.4, 1578.5, 1578.6, 1578.7, 1579, 1580, 1580.1, 1581, 1582, 1583, 1591, 1592, 1597.2, 1641 through 1645, 1646 through 1646.3, 1664.17, 1730.23(J),and 1731)