

2024 Regular Session

SENATE BILL NO. 489

BY SENATOR CATHEY

STATE OFFICIALS. Provides for duties of the State Fire Marshal. (1/1/26)

1 AN ACT

2 To amend and reenact R.S. 40:1578.6(A) and (C), 1578.7(A), (B), (C), (D), and (E),  
3 1730.22(A), 1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A),  
4 1738(A) and (B), and 1740, and to repeal R.S. 40:1732, and 1734 through 1736,  
5 relative to the fire marshal; to provide for powers of the fire marshal; to provide for  
6 the Louisiana Uniform Construction Code; to provide for adoption of certain codes;  
7 to provide for accessibility of buildings; to provide for terms, conditions, and  
8 procedures and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1578.6(A) and (C), 1578.7(A), (B), (C), (D), and (E), 1730.22(A),  
11 1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and (B), and  
12 1740 are hereby amended and reenacted to read as follows:

13 §1578.6. ~~National Fire Protection Association's Life Safety Code; Southern Standard~~  
14 ~~Building Code~~ **Louisiana State Uniform Construction Code**;  
15 applicability to high rise structures; minimum standards; existing  
16 hazardous buildings; appeal

17 A. Adequate protection for life safety shall be afforded in every structure or

1 movable as those terms are defined in R.S. 40:1573. To afford such protection, all  
 2 newly constructed structures and movables shall comply with the rules and  
 3 regulations to be promulgated by the ~~fire marshal~~ **Louisiana State Uniform**  
 4 **Construction Code Council** in conformity with the Administrative Procedure Act  
 5 which shall establish as minimum standards the provisions of the ~~Life Safety Code~~  
 6 ~~of the National Fire Protection Association, and Section 518 - Special Provisions for~~  
 7 ~~High Rise, of Chapter IV of the Southern Standard Building Code, International~~  
 8 **Building Code and International Existing Building Code** applicable to high rise  
 9 structures as both are ~~annually~~ or periodically amended, and the fire marshal shall  
 10 be the authority having jurisdiction to enforce compliance with such regulations. ~~The~~  
 11 ~~effective date for enforcement shall be one hundred eighty days after adoption and~~  
 12 ~~promulgation under the Administrative Procedure Act.~~

13 \* \* \*

14 C. This Section shall not apply to existing buildings, except as provided for  
 15 by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless the  
 16 fire marshal deems that a serious life hazard exists due to a particular condition, at  
 17 which time he can require the institution of proper fire protection measures to  
 18 alleviate the particular hazards noted according to the chapter on existing buildings  
 19 of the latest edition of the ~~N.F.P.A. Life Safety Code, as most recently adopted by~~  
 20 ~~administrative rule by the office of the state fire marshal, code enforcement and~~  
 21 ~~building safety International Code Council's International Existing Building~~  
 22 **Code as adopted by the Louisiana State Uniform Construction Code Council in**  
 23 **accordance with R.S. 40:1730.28.1.** Such directives of the fire marshal may be  
 24 appealed to the board of review. "Lawfully constructed and maintained" as used in  
 25 this Subsection means in conformance with the laws, codes, rules, and regulations  
 26 in force at the time of original construction.

27 §1578.7. State Uniform Fire Prevention Code

28 A. It is hereby found and declared by the legislature that the protection of life  
 29 and property will be enhanced by adoption of the National Fire Prevention Code, as

1 it is published by the National Fire Protection Association or the International Fire  
 2 Code, as it is published by the International Code Council. It is also hereby found  
 3 and declared by the legislature that the adoption of NFPA 1 will complement and not  
 4 conflict with the National Fire Protection Association's Life Safety Code.

5 B. The National Fire Prevention Code, known as NFPA 1, 1997 edition,  
 6 published and maintained by the National Fire Protection Association and the  
 7 International Fire Code, known as the IFC, is are hereby adopted as the State  
 8 Uniform Fire Prevention Code to the extent that it does not conflict with the National  
 9 Fire Protection Association's Life Safety Code. Application of requirements that  
 10 pertain to buildings shall be limited to structures, watercraft, and movables as  
 11 defined by R.S. 40:1573.

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

14 D. Nothing in this Section shall be construed so as to prevent the state fire  
 15 marshal from enforcing the National Fire Protection Association's Life Safety Code  
 16 International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the  
 17 Louisiana State Uniform Code Council in accordance with R.S. 40:1730.28, nor  
 18 any other laws of the state, the enforcement of which are his statutory and regulatory  
 19 responsibility.

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

26 \* \* \*

27 §1730.22. Louisiana State Uniform Construction Code Council; membership;  
 28 function of council; meeting requirements; immunity

29 A. The Louisiana State Uniform Construction Code Council, hereinafter in

1 this Part referred to as the "council", is hereby created and shall consist of twenty  
 2 members, one of whom shall be the state health officer, or his designee, **and one of**  
 3 **whom shall be the fire marshal, or his designee.** With the exception of the state  
 4 health officer, or his designee, **and the fire marshal, or his designee,** who shall  
 5 serve by virtue of his position, each member of the council shall be appointed by the  
 6 governor, subject to Senate confirmation, and shall serve at the pleasure of the  
 7 governor. With the exception of the state health officer, or his designee, **and the fire**  
 8 **marshal, or his designee,** each term for a member of the council shall be four years  
 9 where a member shall serve no more than two consecutive terms. Each member of  
 10 the council shall serve without compensation but shall be reimbursed for actual  
 11 expenses and mileage incurred while attending council meetings in accordance with  
 12 state travel regulations promulgated by the division of administration.  
 13 Reimbursement shall be limited to mileage and expenses for the attendance of twelve  
 14 meetings per calendar year.

15 \* \* \*

16 §1730.23. Enforcement of building codes by municipalities ~~and parishes,~~ **parishes,**  
 17 **and the fire marshal**

18 A.**(1)** Notwithstanding any other law to the contrary relating to the authority  
 19 of local governments to enforce construction codes, all municipalities and parishes  
 20 in this state shall enforce only the construction codes provided for in this Part. All  
 21 municipalities and parishes shall use building code enforcement officers or certified  
 22 third-party providers contracted by the municipality, parish, or regional planning  
 23 commission to act in the capacity of a building code enforcement officer to enforce  
 24 the provisions of this Part. Enforcement procedures by building code enforcement  
 25 officers or third-party providers acting in the capacity of a building code  
 26 enforcement officer shall include examination or review of plans, drawings, or  
 27 specifications; the conducting of inspections; and the issuance, denial, or revocation  
 28 of permits. A building code enforcement officer, third-party provider, or third-party  
 29 provider contracted by a jurisdiction as provided for in R.S. 40:1730.24(A) shall not

1       conduct plan review or inspections on a commercial or residential structure if such  
 2       officer or provider owns any interest in the legal entity that constructed such  
 3       commercial or residential structure or receives any compensation from the legal  
 4       entity other than the fees that are charged for plan review or inspections. Nothing in  
 5       this ~~Subsection~~ **Paragraph** shall be construed to prevent a commercial or residential  
 6       contractor or homeowner from using a third-party provider as provided for in R.S.  
 7       40:1730.24(B). Nothing in this ~~Subsection~~ **Paragraph** shall be construed to prevent  
 8       a commercial contractor or commercial owner from using the office of state fire  
 9       marshal as a third-party provider as provided for in R.S. 40:1730.24(B) on  
 10      commercial structures in any parish within the state with a population of less than  
 11      forty thousand and whose boundaries lie completely north of the one hundred ten  
 12      mile per hour wind line, as shown in the American Society of Civil Engineers  
 13      (ASCE-7) basic wind speeds map published in the latest edition of the International  
 14      Building Code.

15               **(2) Nothing in this Section shall be construed so as to prevent the fire**  
 16      **marshal from enforcing the International Building Code Chapters 7, 8, 9, 10,**  
 17      **and 11 as adopted by the council in accordance with R.S. 40:1730.28.**

18                               \*       \*       \*

19      §1730.28. Mandatory adoption of certain nationally recognized codes and standards  
 20                               as the state uniform construction code; adoption by reference

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

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

29                               \*       \*       \*

1 §1730.39. Powers of state fire marshal

2 A.(1) The state fire marshal may ~~establish contract agreements~~ **enter into**  
3 **agreements by letter of intent** with municipalities and parishes in order to provide  
4 code enforcement on behalf of the municipality or parish as provided in R.S.  
5 40:1730.24 of this Part.

6 \* \* \*

7 C. ~~Nothing in this Part shall be construed so as to prevent the state fire~~  
8 ~~marshal from enforcing the Commercial Building Energy Conservation Code as~~  
9 ~~provided in R.S. 40:1730.41 et seq.~~ **The fire marshal shall enforce the**  
10 **International Code Chapters 7, 8, 9, 10, and 11 with referenced standards as**  
11 **adopted by the council in accordance with R.S. 40:1730.28.**

12 \* \* \*

13 §1733. **ADA Standards to prevent architectural barriers**

14 A. ~~The Americans with Disabilities Act Standards for Accessible Design in~~  
15 ~~effect on March 15, 2011, as adopted by the United States Department of Justice~~  
16 ~~pursuant to the ADA are hereby adopted as of October 1, 2011, and requirements~~  
17 ~~therein, shall be complied with~~ **The International Building Code Chapter 11-**  
18 **Accessibility, as adopted by the Louisiana State Uniform Construction Code**  
19 **Council in accordance with R.S. 40:1730.28 and requirements therein, including**  
20 **the referenced ICC A117.1 Accessible and Usage Buildings and Facilities, shall**  
21 **be complied with.**

22 B. ~~The Americans with Disabilities Act Accessibility Guidelines in effect on~~  
23 ~~September 1, 1994, shall remain in effect through September 30, 2011.~~

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

29 \* \* \*

1 §1737. Violations; enforcement by fire marshal

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

13 \* \* \*

14 §1738. Review of plans and specifications before construction begins

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

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

26 \* \* \*

27 §1740. Enforcement of Part

28 A. For purposes of enforcing this Part, in any instance in which the ~~ADA~~  
 29 ~~Standards~~ are **the International Building Code Chapter 11-Accessibility** is not

1           complied with the local building code authorities and the health authorities shall  
 2           have authority to enforce these standards. Written approval by the fire marshal shall  
 3           be presumptive evidence of compliance with ~~ADA Standards~~ **the International**  
 4           **Building Code Chapter 11-Accessibility** but shall not be considered conclusive and  
 5           local building code authorities and health authorities shall have the power to review  
 6           all construction within their jurisdiction to the end that the intent of this legislation  
 7           shall be enforced.

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

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

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

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The original instrument was prepared by Xavier Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

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DIGEST

SB 489 Reengrossed                      2024 Regular Session                      Cathey

Present law requires newly constructed structures and movables comply with the rules and regulations to be promulgated by the fire marshal.

Proposed law retains present law but changes from the fire marshal to the La. St. Uniform Construction Code Council and changes from the Life Safety Code of the National Fire Protection Association, and Section 518-Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code to the International Building Code and International Existing Building Code.

Present law provides existing buildings do not have to comply with present law, except for fire sprinkler systems in existing buildings which were lawfully constructed and maintained unless the fire marshal deems that a serious life hazard exists due to a particular condition, at which time he can require the institution of proper fire protection measures to alleviate the



particular hazards noted according to the chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code, as most recently adopted by administrative rule by the office of the state fire marshal, code enforcement and building safety. Present law authorizes directives of the fire marshal are appealable to the board of review. Provides a definition for "lawfully constructed and maintained".

Proposed law retains present law but changes the safety requirements from N.F.P.A. Life Safety Code to the International Building Code and International Existing Building Code as adopted by the La. State Uniform Construction Code Council in accordance with present law.

Present law provides that the legislature declares that the protection of life and property will be enhanced by adoption of the National Fire Prevention Code, as it is published by the National Fire Protection Association. Present law provides that the legislature declares that the adoption of NFPA 1 will complement and not conflict with the National Fire Protection Association's Life Safety Code (NFPA).

Proposed law retains present law but adds the International Fire Code (IFC), as it is published by the International Code Council, and removes the legislative declaration to adopt the NFPA 1 safety code.

Present law provides the National Fire Prevention Code, known as NFPA 1, 1997 edition, published and maintained by the NFPA is adopted as the State Uniform Fire Prevention Code to the extent that it does not conflict with the NFPA's Life Safety Code. Present law requires certain buildings are limited to structures, watercraft, and movables as defined by present law.

Proposed law retains present law but adds the IFC and removes the restriction that both the NFPA and the IFC cannot conflict with the NFPA's Life Safety Code.

Present law provides nothing in present law shall be construed so as to prevent the state fire marshal from enforcing the NFPA's Life Safety Code nor any other laws of the state, the enforcement of which are his statutory and regulatory responsibility.

Proposed law retains present law but adds the International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the La. State Uniform Code Council in accordance with present law.

Present law requires the state fire marshal has the power and authority to promulgate rules and regulations as may be necessary to incorporate or adopt any subsequent amendments or additions to the State Uniform Fire Prevention Code to conform to NFPA 1, as it is subsequently amended or issued as a new edition by the NFPA.

Proposed law retains present law but adds the IFC and adds amendments made by the International Code Council.

Present law provides who can be a member of the La. State Uniform Construction Code Council (council) to consist of 20 members, one of whom is the state health officer, or his designee. Provides member requirements with the exception of the state health officer, or his designee.

Proposed law retains present law but adds the fire marshal or his designee as a member of the council. Proposed law adds an exception to the member requirements for the fire marshal.

Present law provides for enforcement of building codes by municipalities and parishes.

Proposed law retains present law but adds the fire marshal can enforce the International

Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the council in accordance with present law.

Present law requires the council to adopt certain nationally recognized codes and standards.

Proposed law retains present law but removes the International Building Code Chapter 11 - Accessibility.

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

Proposed law retains present law but changes from the establishment of a contract agreement to entering into agreements by letter of intent.

Present law provides nothing in present law is to be construed so as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in present law.

Proposed law repeals present law.

Proposed law adds the fire marshal can enforce the International Code Chapters 7, 8, 9, 10, and 11 with referenced standards as adopted by the council in accordance with present law.

Present law provides the standards for the Americans with Disabilities Act Standards (ADA) for Accessible Designs as adopted by the United States Dept. of Justice.

Proposed law repeals present law.

Proposed law provides the International Building Code Chapter 11-Accessibility, as adopted by council in accordance with present law. Proposed law requires compliance with the Accessible and Usage Buildings and Facilities.

Present law provides for violations and exceptions to the ADA Standards.

Proposed law retains present law but changes the standard from the ADA Standard to the International Building Code Chapter 11-Accessibility standard.

Present law prohibits building permits from being issued, and no state contract can be awarded, nor any change is permitted for new building plans that affect compliance with the ADA Standards be approved for any public buildings or facilities or private buildings or facilities until the fire marshal has reviewed the plans and he finds that the plans comply with the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law requires the plans for a building permit are compliant with the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law provides the requirements for enforcing the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law provides that local building code authorities, health authorities, or any individual

may seek an injunction to halt construction or require compliance with ADA Standards of any public building or facility or private building or facility which has been constructed or is being constructed in violation of present law and all actions are required to 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.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Proposed law repeals present law (R.S. 40:1732) which provides definitions for the "ADA", "ADA Standards", "alteration", "building", "dwelling unit", "fire marshal", "improved area", "private building or facility", "public building or facility", and "structure".

Proposed law repeals present law (R.S. 40:1734) which provides that accessibility features are required for new public buildings or facilities and private buildings or facilities.

Proposed law repeals present law (R.S. 40:1735) which requires public buildings or facilities or private buildings or facilities to display signs.

Proposed law repeals present law (R.S. 40:1736) which prohibits obstruction of common or emergency exists.

Effective on January 1, 2026.

(Amends R.S. 40:1578.6(A) and (C), 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; repeals R.S. 40:1732, and 1734-1736)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical changes.
2. Provides an exception relative to the fire marshal reviewing construction plans.
3. Restores present law relative to inspections done by the fire marshal.
4. Adds an enforcement requirement relative to present law fire protections.
5. Restores present law relative to the monitoring function conferred by the fire marshal.
6. Restores present law relative to fire exits in a hotel or motel room.
7. Restores present law relative to smoke detectors and carbon monoxide detectors.
8. Restores present law relative to emergency elevator access, master keys, and substitute emergency measures and for enforcement and penalties.
9. Restores present law relative to equal access to governmental and public facilities for the community of persons with disabilities.
10. Provides the La. State Uniform Construction Code Council is required to review, adopt, and amend the International Fire Code on or prior to July 1,

2025.

11. Provides enforcement and administration of the International Fire Code shall become effective January 1, 2026.

Senate Floor Amendments to engrossed bill

1. Changes present law from the fire marshal promulgating rules to the La. State Uniform Construction Code Council promulgating rules.
2. Changes the building code standard from the Life Safety Code of the National Fire Protection Association, and Section 518-Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code to the International Building Code and International Existing Building Code.
3. Adds the IFC to the state uniform fire prevention code.
4. Adds the fire marshal or his designee as a member of the La. State Uniform Construction Council.
5. Adds the fire marshal may enforce the International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the council in accordance with present law.
6. Removes the International Building Code Chapter 11 - Accessibility from the nationally recognized codes and standards.
7. Authorizes the state fire marshal to enter into agreements by a letter of intent.
8. Authorizes the fire marshal to enforce the International Code Chapters 7, 8, 9, 10, and 11 with referenced standards as adopted by the council in accordance with present law.
9. Changes the standards from the Americans with Disabilities Act (ADA) for accessible designs to the International Building Code Chapter 11-Accessibility, as adopted by council.
10. Changes the violation and exceptions standards from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
11. Changes the building permit process from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
12. Changes the enforcement requirements from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
13. Changes the procedures for an injunction from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
14. Repeals definitions for the "ADA", "ADA Standards", "alteration", "building", "dwelling unit", "fire marshal", "improved area", "private building or facility", "public building or facility", and "structure".
15. Adds January 1, 2026, effective date.