

RÉSUMÉ DIGEST

ACT 534 (SB 489)

2024 Regular Session

Cathey

Prior law required newly constructed structures and movables to comply with the rules and regulations promulgated by the state fire marshal. Provided that the NFPA Life Safety Code was the minimum construction standard and the state fire marshal had enforcement jurisdiction.

New law requires newly constructed structures and movables to comply with the rules and regulations promulgated by the La. State Uniform Construction Code Council (LSUCCC) using the La. State Uniform Construction Code as the minimum construction standard. Provides the state fire marshal has enforcement jurisdiction for the fire protection, egress, and accessibility provisions of the regulations.

New law requires institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and certain schools to comply with the NFPA Life Safety Code as promulgated by the state fire marshal.

Prior law exempted existing buildings, except for fire sprinkler systems, which were lawfully constructed and maintained unless the state fire marshal deemed that a serious life hazard existed due to a particular condition. Authorized the state fire marshal to 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 NFPA Life Safety Code, as most recently adopted by the state fire marshal.

New law retains the prior law exception but changes the source of the fire protection measures from the NFPA Life Safety Code to either of the following:

- (1) The chapter on existing buildings of the 2015 edition of the NFPA Life Safety Code for institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, certain schools, and structures that are permitted for construction prior to Jan. 1, 2026.
- (2) The International Code Council's International Existing Building Code as adopted by the LSUCCC for structures that are permitted for construction on or after Jan. 1, 2026.

Prior law authorized the appeal of directives of the state fire marshal to the board of review and defined "lawfully constructed and maintained".

New law retains prior law but relocates it to a new statutory location.

Prior law provided for the adoption of the State Uniform Fire Prevention Code consisting of the NFPA National Fire Prevention Code.

Proposed law retains prior law but adds the International Fire Code (IFC), as it is published by the International Code Council, as part of the State Uniform Fire Prevention Code.

Nothing in prior law was to 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.

Nothing in new law is to be construed so as to prevent the state fire marshal from enforcing the fire protection, egress, and accessibility provisions of the La. State Uniform Construction Code, for structures other than one- and two-family dwellings, nor any other laws of the state, the enforcement of which are his statutory and regulatory responsibility.

Existing law provides that the state fire marshal may promulgate rules and regulations 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.

New law authorizes the state fire marshal to also adopt subsequent amendments to the IFC issued by the International Code Council.

Prior law established the LSUCCC to be comprised of 20 members, one of whom must be the state health officer or his designee with the other 19 members appointed by the governor.

New law retains prior law and adds a requirement for the state fire marshal or his designee to be one of the 20 members of the LSUCCC.

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

New law prohibits existing law from being construed to prevent the state fire marshal from enforcing the fire protection, egress, and accessibility provisions of the La. State Uniform Construction Code, excluding the provisions for one- and two-family dwellings, as adopted by the LSUCCC.

Existing law requires the LSUCCC to adopt certain nationally recognized codes and standards. Prior law required the LSUCCC to adopt the International Building Code, excluding Parts I-Administrative, Chapter 11-Accessibility, and Chapter 27-Electrical.

New law retains prior law but removes the exclusion of Chapter 11-Accessibility.

Prior law authorized 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.

New law retains prior law but changes the format of the agreements from a contract to a letter of intent.

Nothing in prior law was to be construed so as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code.

New law repeals the prior law limitation and requires the state fire marshal to enforce the fire protection, egress, and accessibility provisions of the La. State Uniform Construction Code, excluding the provisions for one- and two-family dwellings, as adopted by the LSUCCC.

Prior law required compliance with the Americans with Disabilities Act (ADA) Standards for Accessible Designs, as adopted by the United States Dept. of Justice, to prevent architectural barriers to accessibility.

New law requires compliance with the International Building Code Chapter 11-Accessibility, as adopted by LSUCCC, including the referenced standards for accessible and usage buildings and facilities.

Existing law provides for violations of and, in cases of practical difficulty or unnecessary hardship, exceptions to the state accessibility standards. Prior law required any unauthorized deviation from ADA Standards to be rectified by full compliance within 90 days after discovery of the deviation, unless a written exception was granted by the fire marshal.

New law retains prior law but changes the construction standard from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Prior law prohibited building permits from being issued, state contracts from being awarded, or any change in new building plans that affect compliance with the ADA Standards from being approved for any building or facility until the state fire marshal had reviewed the plans and found them to comply with the ADA Standards.

New law retains prior law but changes the construction standard from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Prior law authorized local building code authorities and the health authorities to enforce the accessibility standards when a violation occurred.

New law retains prior law but changes the construction standard from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Prior law authorized local building code authorities, health authorities, or any individual to seek an injunction to halt construction or require compliance with ADA Standards for any

building or facility which had been constructed or was being constructed in violation of prior law.

New law retains prior law but changes the construction standard from the ADA Standards to the International Building Code Chapter 11-Accessibility.

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

New law repeals prior law (R.S. 40:1734) which provided for accessibility features required for new public buildings or facilities and private buildings or facilities.

New law repeals prior law (R.S. 40:1735) which required public buildings or facilities or private buildings or facilities to display signs.

New law repeals prior law (R.S. 40:1736) which prohibited obstruction of common or emergency exits.

Effective on July 1, 2026.

(Amends R.S. 40:1578.6, 1578.7(A)-(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)