

1 from the code; to provide for injunctive relief for code violations; to provide for
2 agreements by public entities relative to code enforcement; to provide for
3 appointment of building officials; to provide relative to conflicts of interest of
4 inspectors; to provide for inspector license types and classifications; to provide for
5 application and renewal requirements and procedures for licenses; to provide for
6 public records exemptions; to provide for required disclosures by applicants; to
7 provide for licensing fees; to provide for disciplinary procedures; to provide for fines
8 and penalties to direct the Bureau of Criminal Identification and Information to
9 provide certain criminal history information to the commission; to exempt the
10 commission from certain limitations on disciplinary proceedings; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted as follows:

14 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
15 Identification and Information

16 A.(1)(a) The bureau shall make available upon request, or at other times as
17 the deputy secretary shall designate, to any eligible criminal justice agency and the
18 division of administration, office of technology services, the Department of
19 Education, the Louisiana Department of Health, the state fire marshal when
20 reviewing applications for licensure, the Louisiana Manufactured Housing
21 Commission when reviewing applications for licensure, the Department of Children
22 and Family Services, the Department of Insurance, the Louisiana State Racing
23 Commission, the Senate Committee on Senate and Governmental Affairs, the House
24 Committee on House and Governmental Affairs, the secretary of Louisiana Works
25 or his designee, the Board of River Port Pilot Commissioners, the Louisiana State
26 Board of Home Inspectors, the Office of Financial Institutions in the office of the
27 governor, the office of the disciplinary counsel of the Louisiana Attorney
28 Disciplinary Board of the Louisiana State Bar Association; however, as to any
29 licensed attorney this information shall be provided only after the issuance of a

1 formal charge against the attorney, the Louisiana Supreme Court Committee on Bar
 2 Admissions, the municipal or parish department or personnel responsible for
 3 reviewing applications for alcoholic beverage outlet permits, the Louisiana Uniform
 4 Construction Code Commission, and the legislative auditor any information
 5 contained in the criminal history record and identification files of the bureau. The
 6 Department of Children and Family Services may provide information secured
 7 pursuant to this Subsection to all federal and state agencies providing child support
 8 enforcement services.

9 * * *

10 Section 2. R.S. 37:21(B)(introductory paragraph) is hereby amended and reenacted
 11 and R.S. 37:21(B)(12) and (13) and Chapter 62 of Title 37 of the Louisiana Revised Statutes
 12 of 1950, comprised of R.S. 37:3727 through 3750, is hereby enacted to read as follows:

13 §21. Limitations on disciplinary proceedings by professional or occupational boards
 14 and commissions

15 * * *

16 B. The provisions of this Section ~~shall~~ do not apply to the following:

17 * * *

18 (12) The Louisiana State Licensing Board for Contractors.

19 (13) The Louisiana Uniform Construction Code Commission.

20 * * *

21 CHAPTER 62. BUILDING CODE ADOPTION & INSPECTOR LICENSING LAW

22 PART I. GENERAL

23 §3727. Purpose; legislative intent

24 The purpose of the legislature in enacting this Chapter is to maintain
 25 reasonable standards of construction in commercial and residential buildings and
 26 other structures in the state consistent with the public health, safety, and welfare of
 27 its citizens. This Chapter is enacted to enable this state to promulgate a Uniform
 28 Construction Code to govern the construction, reconstruction, alteration, and repair
 29 of commercial and residential buildings and other structures. The Uniform

1 Construction Code is intended to establish uniform performance standards providing
2 reasonable safeguards for health, safety, welfare, comfort, and security balanced with
3 affordability for the residents of this state who are occupants and users of buildings,
4 and will provide for the use of modern methods, devices, materials, and techniques.
5 To secure these purposes, the Louisiana Uniform Construction Code Commission
6 shall license persons engaged in the enforcement of the Uniform Construction Code.
7 The intent of the legislature is that the Louisiana Uniform Construction Code
8 Commission shall monitor building construction projects to ensure compliance with
9 the Uniform Construction Code and licensure requirements of this Chapter.

10 §3728. Definitions

11 As used in this Chapter, the following terms have the meanings ascribed to
12 them in this Section, unless the context clearly indicates otherwise:

13 (1) "Applicant" means a person who is applying for a public inspector,
14 private inspector, or private inspector company license with the commission.

15 (2) "Board" means the Louisiana State Licensing Board for Contractors.

16 (3) "Building inspector" means a person who performs building inspections
17 and is responsible for the enforcement of the Uniform Construction Code when
18 inspecting structures for compliance with the state building code, in accordance with
19 the particular classification specified on his license issued by the commission.

20 (4) "Building official" means a licensed inspector holding a general
21 classification who has been delegated authority by a senior official of a public entity
22 to act with the highest level of authority delegated to that public entity regarding
23 inspections for the enforcement of the Uniform Construction Code.

24 (5) "Commercial structure" means a building or facility primarily used for
25 business, commerce, or professional activity, not including a building or facility used
26 for a residential, agricultural, or industrial manufacturing purpose.

27 (6) "Commission" means the Louisiana Uniform Construction Code
28 Commission.

1 (7) "Dwelling unit" means a single unit providing complete, independent
2 living facilities for one or more persons, including permanent provisions for living,
3 sleeping, eating, cooking, and sanitation.

4 (8) "Employee" means a worker whose employer deducts taxes from his
5 wages and reports his annual earnings to the Internal Revenue Service using a W-2
6 form.

7 (9) "Executive director" means the person appointed by the board to serve
8 as the chief executive officer of the commission regarding day-to-day operations of
9 commission business. The executive director may appoint or hire persons as
10 authorized by this Chapter.

11 (10) "Familial relationship" means the following relatives of a person,
12 including half- and step-relatives:

13 (a) Children and their spouses.

14 (b) Siblings and their spouses.

15 (c) Parents.

16 (d) Spouse.

17 (e) The parents of a spouse.

18 (f) Grandchildren and their spouses.

19 (11) "General license classification" means a category of classifications that
20 allows a person to act as a building inspector and plans examiner for the enforcement
21 of the Uniform Construction Code for any structure.

22 (12) "Inspector" means a person or entity who is responsible for the
23 inspection and enforcement of the Uniform Construction Code. That person may be
24 a public inspector or a private inspector. That person may act as a building inspector
25 or plans examiner depending on the classification held by that person.

26 (13) "License" means any form of license the commission is authorized to
27 issue in accordance with this Chapter.

28 (14) "Manufactured home" and "manufactured housing" mean a factory-built
29 residential dwelling unit constructed to the standards and codes promulgated by the

1 United States Department of Housing and Urban Development, pursuant to the
2 National Manufactured Housing Construction and Safety Standards Act of 1974, 42
3 U.S.C. 5401 et seq., as amended. The terms "manufactured home" and
4 "manufactured housing" may be used interchangeably and apply to structures bearing
5 the permanently affixed seal of the United States Department of Housing and Urban
6 Development.

7 (15) "Modular home" and "modular housing" mean a factory-built residential
8 dwelling unit, which is built off-site and transported in sections, constructed in
9 accordance with the International Residential Code as adopted and amended by the
10 Louisiana Uniform Construction Code Commission, and is not a unit constructed
11 according to standards of the United States Department of Housing and Urban
12 Development.

13 (16) "Permit" means an official document issued by a municipal, local, or
14 parish government authority for the construction, alteration, relocation, enlargement,
15 replacement, repair, equipment, use and occupancy, location, maintenance, removal,
16 and demolition of a building or structure or any appurtenances connected or attached
17 to such buildings or structures. A permit states that the project is safe for occupancy
18 for its intended use and complies with the Uniform Construction Code and other
19 regulations.

20 (17) "Person" means a natural or juridical person, whether or not acting as
21 a principal, trustee, fiduciary, receiver, or any other kind of legal or personal
22 representative of a person, or as a successor in interest, assignee, agent, factor,
23 servant, employee, director, officer, or any other representative of a person, state or
24 local governing authority, or political subdivision.

25 (18) "Plans examiner" means a person who performs plan review and is
26 responsible for enforcement of the Uniform Construction Code when performing the
27 inspection, examination, or review of construction documents for compliance based
28 upon the license classification specified on his license issued by the commission.

1 (19) "Principal" means an owner, shareholder, or officer or director of a
2 corporation; a member or manager of a limited liability company; a general partner
3 of a partnership; a sole proprietor; a trustee; or a full-time employee with similar
4 operational control or significant influence with respect to any person as determined
5 by the commission.

6 (20) "Private inspector" means a person who enters into a contract with a
7 public entity and is not a public employee of that public entity with which he is
8 contracted, to act in the capacity of an inspector or building official within the
9 jurisdiction of that public entity with which he is contracted. A private inspector
10 may own, or be employed by, a private inspector company that is contracted to
11 provide this service. A licensed private inspector is responsible for the enforcement
12 of the Uniform Construction Code based upon the classification specified on his
13 license issued by the commission.

14 (21) "Private inspector company" means a company, firm, partnership,
15 corporation, limited liability company, limited liability partnership, or other legal
16 business entity recognized by the law of this state, other than a governmental agency
17 or an agency thereof, that enters into a contract with a public entity to provide one
18 or more employees to act in the capacity of an inspector or building official within
19 the jurisdiction of that public entity. A licensed private inspector company is
20 responsible for the enforcement of the Uniform Construction Code based upon the
21 classifications held by its licensed private inspectors, whether employed by or
22 principals of that company.

23 (22) "Public employee" means an employee of a public entity.

24 (23) "Public entity" means a parish, municipal, or local governmental entity
25 in this state, including its branches, departments, offices, agencies, boards,
26 commissions, instrumentalities, officers, officials, employees, and political
27 subdivisions and the departments, offices, agencies, boards, commissions,
28 instrumentalities, officers, officials, and employees of that political subdivision.

29 "Public entity" includes housing authorities, as defined in R.S. 40:384, and their

1 commissioners and other officers and employees, and sewerage and water boards and
2 their employees, servants, agents, or subcontractors.

3 (24) "Public inspector" means a public employee whose job duties include
4 the enforcement of the Uniform Construction Code by acting as an inspector within
5 the jurisdiction of the public entity that he is employed by. A licensed public
6 inspector is responsible for the enforcement of the Uniform Construction Code based
7 upon the classification specified on his license issued by the commission.

8 (25) "Residential structure" means a building or structure that is used
9 primarily for occupancy by a person as a residence. These structures include but are
10 not limited to single-family dwellings, duplexes that are not more than three floors
11 in height, and structures that are part of or adjacent to the building or structures to
12 be used as a residence.

13 (26) "Specialty license classification" means a category of classifications
14 limited in scope, whereby a person holding a specialty license classification may
15 only perform the scope of work specified by that specialty license classification.

16 (27) "Uniform Construction Code" means the nationally-recognized codes
17 and standards that have been evaluated, adopted, and amended by the commission
18 and are enforced within this state.

19 §3729. Louisiana Uniform Construction Code Commission; membership;
20 qualifications; tenure; vacancies; term limits

21 A. The Louisiana Uniform Construction Code Commission is hereby created
22 within the office of the governor and shall consist of the following members listed
23 in Subsection B of this Section. Each member shall be of the full age of majority and
24 shall have been a resident of this state for five successive years preceding his
25 appointment.

26 B. The members shall be selected and appointed as follows:

27 (1) The fire marshal or his designee.

28 (2) Two licensed inspectors with the Louisiana Uniform Construction Code
29 Commission.

1 (3) One member who shall have the greater part of his professional
2 experience as a licensed electrician or licensed plumber.

3 (4) One member who shall have the greater part of his professional
4 experience as a licensed mechanical engineer.

5 (5) Two members, each of whom shall have had the greater part of his
6 professional experience as a licensed architect, one of whom shall be a member of
7 the American Institute of Architects of Louisiana.

8 (6) One member who shall have the greater part of his professional
9 experience as a licensed civil engineer specializing in structural engineering.

10 (7) One member representing the Louisiana Home Builders Association.

11 (8) One member representing the Associated Builders and Contractors.

12 (9) One member who shall have the greater part of his professional
13 experience as a licensed residential contractor.

14 (10) One member who shall have the greater part of his professional
15 experience as a licensed commercial contractor and who is a member of the
16 Louisiana Associated General Contractors.

17 (11) One member who shall have the greater part of his professional
18 experience in the insurance industry.

19 (12) One member representing the Building Officials Association of
20 Louisiana.

21 (13) One member representing the Louisiana Building Code Alliance.

22 (14) One member who shall have the greater part of his professional
23 experience in the manufactured housing industry.

24 (15) Two members at-large.

25 C. With the exception of the fire marshal or his designee, who shall serve by
26 virtue of his position, each member of the commission shall be appointed by the
27 governor, subject to Senate confirmation, and shall serve at the pleasure of the
28 governor. With the exception of the fire marshal or his designee, each term for a

1 member of the commission is for four years, and a member shall serve no more than
2 two consecutive terms.

3 D. Each member of the commission shall be reimbursed for attendance at a
4 commission meeting or when he is required to travel for the official authorized
5 business of the commission an amount not more than seventy-five dollars per day
6 plus actual expenses and mileage to and from his domicile to the place of meeting
7 at the same rate of reimbursement set by the division of administration.

8 E. A vacancy shall be filled within ninety days of the vacancy, by
9 appointment of the governor in accordance with the criteria in Subsection B of this
10 Section where the vacancy occurs.

11 F. The governor may remove a member of the commission for cause, or at
12 the request of the chairman, for cause or for failure to attend more than half of the
13 regularly scheduled meetings within a twelve-month period.

14 G. The members shall designate members to serve as chairman, vice
15 chairman, secretary, and treasurer by majority vote.

16 §3730. Powers of the Commission

17 A. The commission shall review and adopt the Uniform Construction Code
18 published pursuant to the commission's rules and regulations, accept requests for
19 amendment, and determine if amendment of the Uniform Construction Code is
20 justified. If the commission determines that an amendment to the Uniform
21 Construction Code is justified, the commission may enact that amendment after a
22 finding on the record that the amendment provides a reasonable degree of public
23 health, safety, affordability, and welfare. The commission shall adopt rules in
24 accordance with the Administrative Procedure Act to implement the provisions of
25 this Chapter.

26 B. The commission may issue, approve, suspend, and revoke licenses issued
27 pursuant to the statutes and rules and regulations governing the commission. The
28 commission may hold public meetings to facilitate this power in accordance with the
29 Administrative Procedure Act.

1 C.(1) The commission may enter into contracts for professional and legal
2 services, open bank accounts to conduct its business, and enter into agreements with
3 the board for the operation of the commission including reimbursement of the board
4 for the use of the board's funds used to operate the commission. The executive
5 director may use the board's funds for the operations of the Louisiana Uniform
6 Construction Code Commission.

7 (2) In order for the commission to effectively fund its operations and
8 perform its functions mandated by the legislature, the commission may collect a fee
9 on any permits issued by a local government authority.

10 (a) This fee shall be no more than ten dollars per permit. A public entity
11 responsible for collecting this fee shall not retain any portion of this fee.

12 (b) A fee collected by a local government authority shall be remitted to the
13 commission in accordance with the rules and regulations of the commission.

14 (c) The commission shall set the fee schedule for the upcoming calendar year
15 by August first of the preceding calendar year.

16 D. The commission is vested with the authority necessary to carry out the
17 intent of the provisions of this Chapter. The commission shall promulgate rules and
18 regulations for the proper administration and enforcement of this Chapter and to
19 carry out the purpose of this Chapter, in accordance with the Administrative
20 Procedure Act. The enumeration of specific matters which may be made, and the
21 subject of rules and regulations, shall not be construed to limit general powers of the
22 commission to make all rules and regulations necessary to effectuate this Chapter.

23 E. Any rules or regulations enacted by the commission shall be adopted and
24 promulgated in accordance with the Administrative Procedure Act.

25 F. Any previously adopted bylaws of the commission are repealed.

26 G. The commission may create, modify, and repeal committees as needed
27 to effectively and efficiently perform the functions of the commission.

28 H.(1) The commission may hire legal counsel as selected by the executive
29 director and approved by the commission. All legal services for the commission are

1 under the supervision, control, and authority of the attorney general, and no special
2 attorney or counsel shall be employed to represent it except in accordance with the
3 provisions of R.S. 42:262.

4 (2)(a) However, notwithstanding the provisions of Paragraph (1) of this
5 Subsection and the provisions of R.S. 42:262, the commission may contract with
6 outside counsel or collection agencies on a contingency fee basis to enforce
7 judgments that may arise pursuant to this Chapter.

8 (b) An attorney or collection agency selected pursuant to Subparagraph (a)
9 of this Paragraph shall be selected following a request for proposals in accordance
10 with Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

11 (c) A contingency fee contract entered into pursuant to this Paragraph shall
12 require that all collected funds be deposited directly with the commission, and,
13 thereafter, the contingency fee shall be paid by the commission to the collection
14 agency or attorney.

15 I. The commission may sue and be sued and may obtain, in the jurisdiction
16 in which a violation of the provisions of this Chapter occurs, upon submission of an
17 affidavit in support, a temporary restraining order and preliminary and permanent
18 injunctions, without the necessity of posting a bond or other security, restraining and
19 prohibiting the violation of this Chapter and the performance of any work then being
20 performed or about to be performed.

21 J. The commission and its members shall not be held personally liable for
22 actions taken in good faith in the discharge of their responsibilities. The state shall
23 hold the commission and its members harmless from all costs, damages, and attorney
24 fees arising from claims and suits against them regarding matters to which that
25 immunity applies.

26 K. In addition to any other duties and powers granted by this Chapter, the
27 commission shall do all of the following:

28 (1) Grant licenses to qualified persons, and the commission may provide for
29 training and education of licensed inspectors pursuant to this Chapter.

1 (2)(a) Hold hearings and proceedings in accordance with statutes governing
2 the commission and the provisions of the Administrative Procedure Act to consider
3 violations of the provisions of this Chapter and the rules and regulations of the
4 commission.

5 (b) The commission shall retain special counsel to conduct disciplinary
6 proceedings and prosecute violations at regular or special meetings whenever
7 deemed necessary, and may retain special hearing officers at the discretion of the
8 commission. These proceedings shall be conducted in accordance with R.S. 49:975
9 et seq. This provision shall not limit special counsel to only matters of a disciplinary
10 proceeding, however, the commission's general counsel will not be utilized for
11 prosecuting cases.

12 (3) Suspend or revoke any license for any cause described in this Chapter,
13 or for any cause prescribed by the rules and regulations and refuse to grant any
14 license for any cause which would be grounds for revocation or suspension of a
15 license.

16 (4) Issue fines, penalties, administrative costs as determined by the
17 commission, and other costs for violations of the provisions of this Chapter and the
18 rules and regulations of the commission.

19 (5) Publish and distribute materials containing such information as it deems
20 proper to accomplish the purpose of this Chapter.

21 L.(1) If a possible violation is known to the commission, the commission
22 may correct it or take appropriate action without formal complaint.

23 (2) If the commission receives a complaint that is based on a license or rules
24 violation, or any provision of this Chapter, a proceeding shall not be initiated after
25 five years from the date of the alleged act or omission giving rise to the complaint.
26 This period is interrupted by the filing of a procedural motion, or suspended as
27 provided in Paragraph (3) of this Subsection.

28 (3) The time period provided in Paragraph (2) of this Subsection is
29 suspended during the pendency of a legal action involving the licensee as a party or

1 witness if the complaint arises from the same facts giving rise to the legal action or
 2 arises from the licensee's activities in the legal action. For the purposes of this
 3 Subsection, "legal action" includes litigation, arbitration, mediation, administrative
 4 proceedings, or other disciplinary proceedings. This provision does not limit or
 5 prohibit the issuance of a summary suspension pursuant to R.S. 49:977.3 in the event
 6 the commission finds that public health, safety, or welfare imperatively requires
 7 emergency action.

8 M. Notwithstanding any other provisions to the contrary and to the extent
 9 deemed necessary or appropriate by the commission for the efficient implementation
 10 of its responsibilities in accordance with this Chapter, the commission may delegate
 11 its powers and duties by specific resolution of the commission.

12 N. The commission may consolidate, add, or remove license classifications
 13 or specialty and general license classifications by rule.

14 O. The commission shall have no employees. The board's staff may be
 15 utilized by the executive director to carry out the provisions of this Chapter and the
 16 commission's responsibilities.

17 §3731. Domicile; meetings; compensation; quorum; books and records; audit report

18 A.(1) The commission shall meet in the city of Baton Rouge, which place
 19 is fixed as the domicile of the commission.

20 (2) Meetings of the commission are subject to the Open Meetings Law, R.S.
 21 42:11 et seq.

22 (3) Unless otherwise provided by law, all meetings of the commission shall
 23 be conducted in accordance with Robert's Rules of Order.

24 B. The commission shall hold regular meetings in January, April, July, and
 25 October of each calendar year. The chairman may call special meetings of the
 26 commission as he deems necessary. The meeting time shall be designated by the
 27 chairman. Notice of commission meetings shall be posted on the commission's
 28 website and at the commission's office at least ten days prior to the date when the
 29 commission is to meet.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. At least two days before the date a special meeting is held, notice of the
2 time, place, and purpose of the meeting shall be sent by the chairman or vice
3 chairman of the commission to the members of the commission by electronic means.

4 D. A majority of the members of the commission constitutes a quorum to
5 conduct business.

6 E. There shall be no voting by proxy.

7 F. The treasurer is responsible for receiving and accounting for all money
8 derived from the operation of this Chapter.

9 G. The commission shall maintain a roster showing the names and places of
10 business of all persons licensed by the commission. The roster shall be made
11 available on the commission's official website.

12 H. The secretary of the commission shall oversee and attest to the minutes
13 of each meeting. These minutes shall be made available to each commission
14 member and to the public upon adoption of those minutes at the next scheduled
15 meeting of the commission.

16 I. Within one hundred fifty days of the last day of each calendar year, a
17 certified public accounting firm approved by the state official charged with the
18 auditing of public records and accounts shall audit the financial records of the
19 commission, submit the report of its audit to the legislative auditor, and shall file a
20 copy of that audit with the secretary of state to be attached to the report of the
21 commission on file.

22 PART II. CODE ADOPTION AND ENFORCEMENT

23 §3732. Adoption and promulgation of certain building codes and standards as
24 Uniform Construction Code; procedures

25 A. Code review committees established by the commission shall advise,
26 review, and recommend amendment of the Uniform Construction Code to the
27 commission. The commission shall review and finalize the adoption and amendment
28 of the Uniform Construction Code, and promulgate changes to the Uniform
29 Construction Code, in accordance with all of the following:

1 (1) The commission shall promulgate rules and regulations to amend the
2 Uniform Construction Code in accordance with the provisions of the Administrative
3 Procedure Act.

4 (2)(a) The commission shall promulgate rules and regulations to adopt the
5 Uniform Construction Code in accordance with the Administrative Procedure Act.
6 Notwithstanding the provisions of R.S. 49:966(B)(12), the Senate Committee on
7 Commerce, Consumer Protection, and International Affairs; the Senate Committee
8 on Health and Welfare; the House Committee on Commerce; and the House
9 Committee on Health and Welfare have oversight of the initial adoption of the
10 Uniform Construction Code.

11 (b) The Senate Committee on Commerce, Consumer Protection, and
12 International Affairs and the House Committee on Commerce shall receive notice
13 of intent to amend the Uniform Construction Code and have oversight of any
14 amendment pursuant to the provisions of the Administrative Procedure Act.

15 (3)(a) The commission shall review, evaluate, and amend the codes within
16 the Uniform Construction Code no later than five years from the date of publication
17 of the appropriate code. The commission shall submit the amended Uniform
18 Construction Code to the House Committee on Commerce and the Senate Committee
19 on Commerce, Consumer Protection, and International Affairs for oversight and
20 approval. Additionally, the commission shall provide each house of the legislature
21 with a summary of any major proposed amendments to the International Residential
22 Code at the time of submission to the oversight committees.

23 (b) The commission may suspend the five-year deadline in Subparagraph (a)
24 of this Paragraph for a period of up to one year in the event of a declaration of
25 disaster or emergency by the governor or by the president of the United States, a
26 pandemic, or other acts of God.

27 (4) The commission shall, in accordance with the Administrative Procedure
28 Act, adopt or amend provisions of the Uniform Construction Code to satisfy any
29 requirement of a consent decree or order entered in a federal court of competent
30 jurisdiction relative to maintaining or building a public sewage system. These

1 provisions shall specify in which municipalities or parishes the rules and regulations
2 adopted pursuant to this Paragraph apply.

3 §3733. Mandatory adoption of certain nationally recognized codes and standards as
4 the state uniform construction code; adoption by reference

5 A. The council shall evaluate, adopt, and amend only the latest editions of
6 all of the following as the Uniform Construction Code:

7 (1) International Building Code (IBC), not including Chapter 1, Scope and
8 Administration, and Chapter 27, Electrical. The applicable standards referenced in
9 that code are included for the regulation of construction within this state. The
10 appendices of that code may be adopted as needed, but the specific appendix or
11 appendices shall be referenced by name or letter designation at the time of adoption.

12 (2) International Existing Building Code (IEBC), not including Chapter 1,
13 Scope and Administration. The applicable standards referenced in that code are
14 included for the regulation of construction within this state. The appendices of that
15 code may be adopted as needed, but any specific appendix or appendices shall be
16 referenced by name or letter designation at the time of adoption.

17 (3) International Residential Code (IRC), not including Part I,
18 Administrative, and Part VIII, Electrical. The applicable standards referenced in that
19 code are included for the regulation of construction within this state. The
20 commission shall not adopt or enforce any part of the International Residential Code
21 or any other code or regulation that requires a fire protection sprinkler system in one-
22 or two-family dwellings. Further, no municipality or parish shall adopt or enforce
23 an ordinance or other regulation requiring a fire protection sprinkler system in one-
24 or two-family dwellings.

25 (4) International Mechanical Code (IMC) and the standards referenced in
26 that code for the regulation of construction within this state. The appendices of the
27 code provided in this Paragraph may be adopted as needed, but any specific appendix
28 or appendices shall be referenced by name or letter designation at the time of
29 adoption.

1 (5) International Plumbing Code (IPC). The appendices of that code may be
2 adopted as needed, but any specific appendix or appendices shall be referenced by
3 name or letter designation at the time of adoption.

4 (6) International Fuel Gas Code (IFGC) and the standards referenced in that
5 code for the regulation of construction within this state. The appendices of the code
6 provided in this Paragraph may be adopted as needed, but any specific appendix or
7 appendices shall be referenced by name or letter designation at the time of adoption.

8 (7) International Energy Conservation Code (IECC) and all optional
9 compliance paths contained therein, and the standards referenced in that code.

10 (8) International Fire Code (IFC).

11 (9) National Electrical Code (NEC).

12 B. The initial code adopted by the commission pursuant to the provisions of
13 this Part became effective on January 1, 2007.

14 C.(1) The state health officer may provide the commission with
15 recommended amendments to the plumbing provisions adopted pursuant to this
16 Section. All recommended amendments provided to the commission by the state
17 health officer shall be presented to the commission for review. The commission
18 shall review recommended amendments and vote on whether or not to include those
19 amendments as part of the Uniform Construction Code at the next regularly
20 scheduled meeting of the commission, but no sooner than thirty days after receipt.

21 (2) Nothing in this Section nor any provisions adopted pursuant to this
22 Section shall lessen the licensing qualifications and requirements provided in R.S.
23 37:1361 et seq.

24 §3734. Codes applicable to building inspections

25 A.(1) Notwithstanding any other law to the contrary, a licensed inspector
26 shall conduct a building inspection using the requirements of the codes in effect for
27 the locality on the date of the issuance of the original building permit when
28 performing an inspection on a residential structure for the purpose of allowing
29 occupancy or reconnecting utilities. When conducting an inspection to allow
30 occupancy or to reconnect utilities to an existing residential structure, the intent of

1 the inspection is to ascertain the general safety of the structure and its
2 appropriateness for occupancy.

3 (2) If no date of issuance of an original building permit can be found, the
4 inspector shall conduct the inspection using the requirements of the codes in effect
5 on the date of submission of the original building permit application.

6 (3) If no date of application or date of issuance of the original building
7 permit is available, the building official of the applicable parish planning and
8 development service, or similar agency, shall use court records and other available
9 documents, such as transfer of property records, mortgage records, tax records, or
10 rent records, to ascertain the nearest date possible to the issuance of the original
11 building permit. If the building official is able to determine a date in accordance with
12 the requirements of this Paragraph, the inspector shall conduct the inspection using
13 the requirements of the codes in effect on the date established by the building
14 official.

15 (4) If ambiguity exists after attempting to determine an applicable date
16 pursuant to Paragraphs (1) through (3) of this Subsection, the inspector shall conduct
17 an inspection using the requirements of the least restrictive codes in effect during the
18 period of time beginning one calendar year prior to and ending one calendar year
19 subsequent to the earliest recorded date of transfer of the property to be inspected.

20 B. Nothing in this Section authorizes an inspector to use his discretion in
21 determining what codes apply to an inspection pursuant to this Part.

22 §3735. Powers of state fire marshal

23 A.(1) The state fire marshal may enter into an agreement by letter of intent
24 with a public entity to enforce the Uniform Construction Code on behalf of a
25 municipality or parish as provided in R.S. 37:3740.

26 (2)(a) An agreement pursuant to Paragraph (1) of this Subsection may
27 include a provision allowing the state fire marshal to take into consideration practical
28 and unreasonable economic hardships before applying the strict requirements of this
29 Chapter. Pursuant to a contractual agreement with a municipality or parish executed
30 in accordance with the provisions of this Subsection and upon appeal of the

1 professional of record for a plan review of a structure, except one- or two-family
2 dwelling, the state fire marshal may allow alternative materials, design, and
3 methods of construction and equipment that comply with the provisions of the
4 International Building Code, Chapter 1-Scope and Administration, relative to
5 alternative materials, design, and methods of construction and equipment.

6 (b) The state fire marshal may adopt, in accordance with the Administrative
7 Procedure Act, the provisions set forth in the International Building Code, Chapter
8 1-Scope and Administration, relative to alternative materials, design, and methods
9 of construction and equipment.

10 B. Nothing in this Chapter prevents the state fire marshal from enforcing the
11 fire protection, life safety, accessibility, and high-rise laws of this state, the
12 enforcement of which is his statutory and regulatory responsibility.

13 C. The fire marshal shall enforce the fire protection, egress, and accessibility
14 provisions of the Uniform Construction Code, excluding the provisions for one- and
15 two-family dwellings, with referenced standards as adopted by the commission in
16 accordance with R.S. 37:3733.

17 §3736. Municipalities and parishes; home rule charter

18 A. Nothing in this Chapter shall conflict with the provisions of Article VI,
19 Sections 4 and 6 of the Constitution of Louisiana pertaining to the powers, functions,
20 and duties of local governments; the structure and organization of, or the particular
21 distribution and redistribution of the powers and functions of, any local government
22 operating pursuant to a home rule charter; or prohibit a local government from
23 adopting ordinances for the local administration of the construction code provided
24 for in this Chapter or for any procedures in connection with the local enforcement
25 of the provisions of this Chapter.

26 B. In the enforcement of any provision of the construction code provided for
27 in this Chapter, if any provision of this Chapter conflicts with the provisions of a
28 home rule charter pertaining to the powers, functions, and duties of a local
29 government; or with the structure, organization, or distribution of the powers and

1 functions of that local government; the provisions of that home rule charter
2 supersede the conflicting provisions of this Chapter.

3 §3737. Enforcement of the Uniform Construction Code by municipalities and
4 parishes

5 A. Notwithstanding any law to the contrary relating to the authority of local
6 governments to enforce building codes, all municipalities and parishes in this state
7 shall enforce only the Uniform Construction Code provided in this Chapter and as
8 promulgated in the commission's rules and regulations. All public entities, licensed
9 contractors, and homeowners shall use only inspectors licensed by the commission
10 to enforce this Chapter. Enforcement procedures by licensed inspectors include
11 examination or review of plans, drawings, or specifications; the conducting of
12 inspections; and the issuance, denial, or revocation of permits. A local jurisdiction
13 shall not accept an inspection report for the enforcement of the Uniform Construction
14 Code from a private inspector unless that inspector has a contract to provide
15 inspection services with that jurisdiction for which they are performing the
16 inspection.

17 B. Nothing in this Part shall conflict with the United States Department of
18 Housing and Urban Development regulations regarding manufactured housing
19 construction or the provisions of R.S. 51:912.21 et seq. related to manufactured
20 housing installation. It is the intent of the legislature that any service, renovation,
21 repair, or warranty work on a manufactured home is performed in accordance with
22 the appropriate federal standards governing manufactured housing construction or
23 state standards governing installation, and that all such work be subject to the
24 authority of the Louisiana Uniform Construction Code Commission. Any
25 jurisdiction that collects a fee for the placement of manufactured housing shall
26 confirm through inspection that the installation meets the requirements as set forth
27 by the commission.

28 C. In connection with the construction of any building, structure, or other
29 improvement to immovable property, neither the performance of any enforcement
30 procedure nor any provision of Uniform Construction Code constitutes or is to be

1 construed as a warranty or guarantee by a governmental enforcement agency as to
2 durability or fitness, or as a warranty or guarantee by an inspector who contracts with
3 a municipality or parish as provided for in R.S. 37:3740, that a building, structure,
4 or other improvement to immovable property or any materials, equipment, or method
5 or type of construction used in that work is or will be free from defects, will perform
6 in a particular manner, is fit for a particular purpose, or will last in any particular
7 way. In the enforcement of any provision of the Uniform Construction Code
8 provided for in this Chapter, or any regulations pursuant to R.S. 33:4771 et seq., the
9 performance or nonperformance of any procedure by an inspector is a discretionary
10 act and is subject to the provisions of R.S. 9:2798.1.

11 D. Notwithstanding any law to the contrary, a municipality or parish shall
12 not require that a residential building plan for a one- or two-family dwelling be
13 prepared or stamped by a licensed architect or engineer if that dwelling falls within
14 the prescriptive standards of the International Residential Code currently adopted in
15 the Uniform Construction Code.

16 E.(1) Upon receipt of the certificate of occupancy issued by a local inspector
17 for a new residential construction, a lender providing a residential mortgage loan for
18 the purchase of that new residential construction shall file a copy of the certificate
19 of occupancy in the conveyance records of the parish where that new residential
20 construction is located. Failure of the lender to file that document in the local
21 conveyance records does not invalidate the legal effects of any transaction related
22 to that property, including but not limited to the construction, purchase, sale, or
23 transfer of title of the new residential construction.

24 (2) The owner of the new residential construction shall provide the lender
25 a copy of the certificate of occupancy.

26 (3) A lender that files a copy of the certificate of occupancy in the local
27 conveyance records pursuant to the provisions of this Subsection may assess a
28 reasonable charge to the borrower for all costs associated with the filing of that
29 certificate, not to exceed the amount charged by that parish for filing those
30 documents.

1 (4) If the provisions of this Chapter cease to be enforced in a parish, the
2 provisions of this Section become null and void in that parish.

3 F. A public entity may accept determinations made by the state fire marshal
4 as they pertain to life safety and fire protection as required in this Chapter.

5 G. The building official for the parish, municipality, or regional planning
6 commission, as authorized pursuant to R.S. 37:3740 and appointed pursuant to R.S.
7 37:3741, or a properly-licensed inspector designated by that building official, may
8 enforce the plumbing provisions adopted pursuant to this Chapter.

9 H. For purposes of enforcement of the Uniform Construction Code pursuant
10 to this Section, a properly-licensed inspector shall conduct all inspections of any
11 commercial or residential structure, and be present on site for all inspections other
12 than roofing inspections. A properly-licensed inspector may accept photographs or
13 videos that are location-verified with geotagging for required roofing or reroofing
14 inspections of any commercial or residential structure.

15 I. Any municipality or parish that issues a permit for construction pursuant
16 to this Chapter shall do all of the following:

17 (1) Permit and inspect all buildings, other than one- and two-family
18 dwelling, for roof construction and reroofing in compliance with the International
19 Building Code Chapter 15 requirements as adopted and promulgated by the
20 Louisiana Uniform Construction Code Commission.

21 (2) Permit and inspect one- and two-family dwellings for roof construction
22 and reroofing in compliance with the International Residential Code Chapters 8 and
23 9 requirements as adopted and promulgated by the Louisiana Uniform Construction
24 Code Commission.

25 §3738. Exemptions relating to enforcement of Uniform Construction Code

26 A. Excluding the applicable requirements of the International Plumbing
27 Code, the provisions of this Chapter do not apply to any construction or
28 improvement inside the secured or fenced confines of industrial facilities that are
29 engaged in activities classified as one or more of the following subsectors, industry
30 groups, or industries of the 2012 North American Industry Classification System:

- 1 (1) 22111 electric power generation.
- 2 (2) 3211 saw mills and wood preservation.
- 3 (3) 322 paper manufacturing.
- 4 (4) 324 petroleum and coal products manufacturing.
- 5 (5) 325 chemical manufacturing.
- 6 (6) 326 plastics and rubber products manufacturing.
- 7 (7) 331 primary metal manufacturing.
- 8 (8) 562211 hazardous waste treatment and disposal.
- 9 (9) 562212 solid waste landfill.
- 10 (10) 424710 petroleum bulk stations and terminals.
- 11 (11) 486110 pipeline transportation of crude oil.
- 12 (12) 486910 pipeline transportation of refined petroleum products.
- 13 (13) 482610 pipeline transportation of natural gas.
- 14 (14) 486990 all other pipeline transportation.
- 15 (15) 211112 natural gas liquid extraction.
- 16 (16) 211 oil and gas extraction.
- 17 (17) 3212 veneer, plywood, and engineered wood product manufacturing.
- 18 (18) 486 pipeline transportation.
- 19 (19) 213 support activities for mining.
- 20 B.(1)(a) For the purposes of this Section, "farm structure" means a structure
21 constructed on a farm, other than a residence or a structure attached to it, for use on
22 the farm including but not limited to barns, sheds, and poultry houses but not public
23 livestock areas. "Farm structure" does not include a structure originally qualifying
24 as a farm structure, but later converted to another use.
- 25 (b) For the purposes of this Section, "residential accessory structure" means
26 a structure not exceeding two hundred square feet in footprint, and not attached to
27 a residence that is used as an accessory to the primary use of the residence, and not
28 constructed in regions where the basic wind design is required by the Uniform
29 Construction Code, as promulgated by the commission, equal or exceed one hundred

1 miles per hour or forty-five meters per second in hurricane-prone regions, or one
2 hundred ten miles per hour or forty-nine meters per second in other regions.

3 (2) The governing authority of a parish or municipality shall not enforce that
4 portion of the Uniform Construction Code which regulates the construction or
5 improvement of a farm structure or private outdoor recreational structure, other than
6 a residence or structure attached to a residence, such as a hunting or fishing camp or
7 residential accessory structure. However, a municipality with a population in excess
8 of forty-five thousand according to the latest federal decennial census may enforce
9 that portion of the Uniform Construction Code which regulates the construction or
10 improvement of a residential accessory structure.

11 (3) For residential construction, the standards published by the Federal
12 Emergency Management Agency for the National Flood Insurance Program apply.

13 (4) The provisions of this Section do not affect the power of the governing
14 authority of a parish or municipality to issue building permits for the construction or
15 improvement of a farm or private outdoor recreational structure.

16 C. The provisions of this Chapter do not apply to the construction or
17 improvement of any project totally owned by the federal government.

18 D.(1) The regulation of a utility provider's authority to operate and serve
19 customers is a matter of statewide concern. No code, ordinance, land use restriction
20 or general or specific plan provision or part of a code, ordinance, land use regulation
21 or general or specific plan provision adopted by a parish or municipality may
22 prohibit or restrict a person's or entity's ability to use the services of a utility provider
23 that is capable and authorized to provide the utility service at a person's or entity's
24 property.

25 (2) A parish or municipality shall not deny a permit application based on the
26 utility provider proposed to provide utility service to the project.

27 (3) A parish or municipality issuing a building permit shall ensure that all
28 applicable permits and associated fees assessed on a building permit applicant
29 contain requirements and amounts that do not exceed the requirements and amounts
30 for use of other utility providers and do not have the effect of restricting a permit

1 applicant's ability to use the services of a utility provider that is capable and
2 authorized to provide utility service.

3 (4) This Section does not prohibit a parish or municipality from recovering
4 reasonable costs associated with reviewing a building permit, issuing a building
5 permit, and performing inspections to verify code compliance.

6 (5) A parish or municipality shall not impose a fine, penalty, or other
7 requirement that restricts a utility provider's authority to operate or serve customers.

8 (6) This Section does not affect the authority of a parish or municipality to
9 manage the public highways within its boundaries, or to exercise its police powers
10 to review and approve an application before issuing a permit to perform work in the
11 public highways, or to enforce associated permit conditions.

12 (7) This Section does not affect the authority of a parish or municipality to
13 manage or operate a publicly-owned utility.

14 (8) For the purposes of this Section, "utility service" means natural gas
15 provided to an end user.

16 (9) The provisions of this Section apply notwithstanding any contrary
17 provision of law.

18 E. Nothing in this Chapter or any provision adopted pursuant to this Chapter
19 prohibits the Louisiana Department of Health from doing any of the following:

20 (1) Regulating stored water temperatures through enforcement of the
21 Sanitary Code.

22 (2) Regulating medical gas and medical vacuum systems.

23 F. An order or consent decree relative to maintaining or building a public
24 sewage system that is entered in a federal court of competent jurisdiction supersedes
25 the plumbing provisions of this Part or plumbing provisions adopted pursuant to this
26 Part.

27 G. Notwithstanding any provision of law to the contrary, all manufactured
28 homes built to federal construction standards are subject only to the plumbing
29 provisions in federal law. Manufactured homes are not subject to state plumbing
30 regulations, whether the manufactured home is connected to a public or private

1 sewer system. However, that connection shall be completed and maintained by a
2 plumber licensed in this state.

3 H. State-owned buildings are not subject to local permitting, review, or
4 oversight but are required to comply with the flood zone requirements of the
5 National Flood Insurance Program in accordance with R.S. 40:1724.

6 §3739. Mandamus and injunctive relief for violation of code or regulation; penalties

7 For a violation of the Uniform Construction Code or a regulation adopted
8 pursuant to this Chapter, the local building official may enjoin further construction
9 of the project as provided by local ordinance. The municipal, district, or parish
10 attorney, attorney general, or other appropriate authority of a political subdivision,
11 in addition to other remedies, may apply for injunctive relief, mandamus, or other
12 appropriate proceeding in the district court of the parish where the violation
13 occurred.

14 §3740. Agreements with other governmental entities for provision of services;
15 private agreements

16 A public entity may establish an agreement with another public entity of this
17 state or with a licensed private inspector to issue permits and enforce the Uniform
18 Construction Code in accordance with this Chapter. In the event of such an
19 agreement, the maximum fees applicable to the issuance of permits and the
20 enforcement of the code shall be established by the governing body of the public
21 entity. A public entity that establishes an agreement with another public entity of
22 this state or with a licensed private inspector to enforce the Uniform Construction
23 Code shall not impose a fee for an inspection not performed by that municipality or
24 parish if a fee for the inspection was collected by the public entity or the licensed
25 private inspector that actually performed the inspection.

26 §3741. Appointment of building official or contractual arrangement for such
27 services; affidavit for exemption

28 A public entity shall appoint a person to act as its building official to oversee
29 the unincorporated area of the public entity. Only a licensed inspector holding a
30 general license classification may be appointed to act as a building official of a

1 public entity. A person shall not be appointed as a building official or inspector for
2 that public entity if he has any interest in any legal entity that performs commercial
3 or residential construction within the jurisdiction in which he would be appointed.
4 Nothing in this Chapter prevents a municipality or parish from appointing and
5 employing additional licensed inspectors necessary to perform the required
6 inspections and technical duties and prescribing fees for construction permits and
7 inspections as provided by law.

8 §3742. Conflicts of interest

9 A. A person acting as a licensed private inspector shall not hold an active
10 contractor's license with the State Licensing Board for Contractors or an active
11 plumber's license with the State Plumbing Board in his individual name or in the
12 name of a legal entity that he is a principal of, qualifying party for, employed by, or
13 contracted to. An applicant for licensure with the commission shall not be granted
14 a license as a licensed private inspector while that applicant holds an active
15 contractor's license with the State Licensing Board for Contractors or an active
16 plumber's license with the State Plumbing Board in his individual name or in the
17 name of a legal entity that he is a principal of, qualifying party for, employed by, or
18 contracted to.

19 B. A person acting as a licensed public inspector shall not act as a licensed
20 contractor with the State Licensing Board for Contractors or licensed plumber with
21 the State Plumbing Board within the same jurisdiction in which they have authority,
22 are employed by, or are contracted to.

23 C. A staff member, agent, employee, or inspector of a public entity or of a
24 private inspection company shall not make a final decision on an administrative
25 decision required by this Chapter if the outcome of that decision would have a direct,
26 substantial, and readily identifiable financial impact on the staff member or if the
27 applicant or other person subject to that decision is a person with whom the staff
28 member has a familial relationship, business, or other associational relationship. If
29 the person making that final decision has a conflict of interest pursuant to this
30 Section, that decision shall be assigned to his supervisor or another person as may

1 be designated by the development regulation or other ordinance. No person shall be
 2 financially interested in, or employed by a business that is financially interested in
 3 a development subject to regulation pursuant to this Chapter unless that person is the
 4 owner of the land or building involved. No person or other individual or an employee
 5 of a company contracting with a public entity to provide staff support shall engage
 6 in any work that is inconsistent with his duties or with the interest of the public
 7 entity, as determined by the public entity.

8 D. An employee or member of an inspection department shall not be
 9 financially interested in, or employed by a business that is financially interested in,
 10 the furnishing of labor, material, or appliances for the planning, specification,
 11 construction, alteration, or maintenance of a building within the public entity's
 12 planning and development regulation jurisdiction unless he is the owner of that
 13 building. A member or other individual of an inspection department, or employee
 14 of a company contracting with a public entity to conduct inspections, shall not
 15 engage in work that is inconsistent with his duties or with the interest of the public
 16 entity as determined by that public entity.

17 E. A licensed inspector shall comply with all provisions of the Code of
 18 Governmental Ethics and any other applicable state ethics laws.

19 F. A licensed inspector performing an inspection on a building or structure
 20 shall disclose a conflict of interest if that inspector has any of the following
 21 characteristics:

22 (1) Owns any interest in the legal entity that constructed such structure or
 23 receive any compensation as an inspector from the legal entity.

24 (2) Worked for the owner, developer, contractor, or project manager of the
 25 project to be inspected within the last three years.

26 (3) A familial relationship to the owner, developer, contractor, or project
 27 manager of the project to be inspected.

28 (4) A financial or business interest in the project to be inspected.

29 G. If a licensed inspector has a conflict of interest pursuant to this Section,
 30 the inspection of the relevant building or structure shall be assigned to the supervisor

1 of that inspector or to another inspector designated by the public entity or private
2 inspector company.

3 PART III. LICENSING

4 §3743. License types, classifications, and general information

5 A. In accordance with R.S. 37:3728, the commission may issue the
6 following types of inspector licenses:

7 (1) Public Inspector.

8 (2) Private Inspector.

9 B.(1) A public inspector or private inspector may be classified in the
10 category of a general license classification or a specialty license classification.

11 (2) A licensee holding a general license classification is permitted to perform
12 any work specified within a specialty license classification for any structure.
13 "Certified Building Official", "Master Code Professional", "Louisiana Licensed
14 Architect", and "Louisiana Licensed Engineer" are categorized as general license
15 classifications.

16 C. An applicant for a general or specialty license classification is required
17 to meet the relevant qualification requirements promulgated in the commission's
18 rules and regulations in addition to all other licensing requirements pursuant to R.S.
19 37:3744 prior to licensure.

20 D. An applicant for an inspector license shall meet the licensing
21 requirements provided in R.S. 37:3744 to obtain that license. After those license
22 requirements have been met, the license will be issued to the applicant, and the
23 license shall state the inspector's license classification for which he has completed
24 all of the relevant requirements. Following issuance of the license by the
25 commission, the inspector shall do all of the following:

26 (1) Adhere to the license requirements during the license's active period
27 pursuant to R.S. 37:3746.

28 (2) Perform only inspection work included in the license classification within
29 which his license was issued.

1 (3) Conduct all transactions and perform work in the name that appears on
2 both his current license and in the official records of the Louisiana Uniform
3 Construction Code Commission.

4 (4) Notify the commission of any change to the information provided on his
5 application within thirty days of that change.

6 E. A licensee may request additions or changes to an existing license by
7 application, and these changes become effective after that license successfully
8 completes all relevant requirements, including any license classification requirement,
9 and pays the required fee.

10 F. Pursuant to the provisions of this Chapter, license expiration and renewal
11 procedures are as follows:

12 (1) An initial license and any subsequent renewal issued expires one year
13 from the date on which the license was originally issued.

14 (2) A license expires on the last day of the period for which it was issued
15 unless renewed. A person failing to make timely renewal of his license, which
16 includes meeting all renewal requirements prior to the expiration of his license, is no
17 longer licensed and shall not practice until licensed in accordance with this Chapter.

18 (3) A licensee is eligible for renewal of his license sixty days before the
19 expiration of that license. If a licensee does not renew his license within one year of
20 its expiration, his license is no longer eligible for renewal, and an application for a
21 new license may be submitted, and upon approval, a new license shall be issued.

22 (4) After a license has expired, the licensee has fifteen days following the
23 expiration date to apply for renewal without incurring a delinquent fee and a lapse
24 in his licensure.

25 (5) The renewal of a license is based upon a determination made by the
26 commission of the applicant's participation in continuing education programs. The
27 commission shall promulgate regulations setting forth the continuing education
28 requirements for inspectors.

29 G. A license issued pursuant to this Chapter is not transferable.

1 §3744. Application and renewal requirements

2 A. The licensing requirements for the inspector licenses include submission
3 of all of the following:

4 (1) For initial licensure or renewal, a completed application on a form
5 adopted by the commission. No application shall be considered from any state or
6 local governmental body, including any agency of any state or local governmental
7 body, or any corporation or other entity owned or controlled by a state or local
8 governing body.

9 (2) Any identifying information required by the commission. An applicant
10 for renewal shall verify his identifying information on record with the commission
11 and provide updated information if a change occurs. An applicant for a license shall
12 be a United States citizen or legal resident of the United States. All identifying
13 information and the applicant's answers to any background questions are subject to
14 verification. Identifying information may include the following:

15 (a) Full legal name.

16 (b) Date of birth.

17 (c) Contact information, including physical address, phone number, and
18 email address.

19 (d) Social security number, if the applicant is a citizen of the United States.

20 (e) Individual Taxpayer Identification Number, United States Citizenship
21 and Immigration Services number, or Visa number, if the applicant is not a citizen
22 of the United States.

23 (f) Employer identification number of a legal business entity, or if the
24 business is a disregarded entity, the employer identification number of its parent
25 company.

26 (3) For a private inspector company applicant, a financial statement on a
27 form supplied by the commission. The financial statement and any information
28 contained within, as well as any other financial information required to be submitted
29 by a contractor, shall be confidential and not subject to the provisions of the Public

1 Records Law, R.S. 44:1 et seq. The financial statement and its information shall
2 contain all of the following:

3 (a) The name of the private inspector company.

4 (b) Information current to within twelve months of the date of filing the
5 application,

6 (c) Proof of a net worth of at least fifty thousand dollars, or the commission
7 may allow an applicant to submit an irrevocable letter of credit in the amount of the
8 net worth requirement plus the amount of the applicant's negative net worth, if any.

9 (d) Verification and signature by an accountant, bookkeeper, or certified
10 public accountant, or in lieu of a signature by a certified public accountant on the
11 commission's form, a current financial statement prepared by a certified public
12 accountant may be attached.

13 (e) Verification and signature by the applicant affirming all information is
14 true and correct.

15 (4) For a private inspector applicant or for the principal of a private inspector
16 company applicant, information required by the commission for a background
17 investigation, including identification, criminal history, and financial history. The
18 commission may deny approval of an applicant or its principal for cause. The
19 background investigation shall include all of the following:

20 (a) Fiduciary or monetary matters including but not limited to any
21 bankruptcy, judgment, insolvency, or lien.

22 (b) Any criminal offense resulting in a conviction, guilty plea, or plea of nolo
23 contendere.

24 (5) For a public inspector applicant, information required by the commission
25 for a background investigation, including identification and criminal history. The
26 commission may deny approval of a public inspector applicant for cause. The
27 background investigation shall be conducted in relation to any criminal offense
28 resulting in a conviction, guilty plea, or plea of nolo contendere.

29 (6)(a) Professional liability insurance certificates evidencing a minimum
30 coverage amount of five hundred thousand dollars shall be submitted by private

1 inspector applicants for a private inspector company. There is no professional
2 insurance coverage requirement for licensure for public inspector applicants
3 employed by public entities.

4 (b) Proof of insurance coverage shall be provided by an agent, broker, or
5 insurance company showing all of the following:

6 (i) The name of the licensee.

7 (ii) The name of the insurance company.

8 (iii) The name and address of the insurance broker.

9 (iv) The insurance policy number.

10 (v) The beginning and ending insurance coverage dates. Coverage shall be
11 for a minimum of six months.

12 (vi) No exclusions for the scope of work for which the licensee is licensed.

13 (vii) The commission listed as a certificate holder.

14 (c) Failure to maintain continuous professional liability insurance coverage
15 during the active period of the license may be grounds for suspension or revocation
16 of the license and other disciplinary action by the commission.

17 (7) Proof of business registration with the secretary of state. A license shall
18 not be issued to a business entity that is not registered with the secretary of state or
19 does not hold a certificate of authority to do business in good standing.

20 (8) Documentation to verify the identity of an applicant or to verify a
21 business entity's formation, structure, and its current owners or principals. This may
22 include a government-issued identification card, a government-issued driver's
23 license, articles of incorporation, articles of organization, a certificate of formation,
24 a partnership agreement, bylaws, an operating agreement, meeting minutes, and any
25 amendments made to those documents.

26 (9) Any applicable fees, fines, or other sums due to the commission shall be
27 paid in full.

28 B. A license shall not be issued to a business entity that operates as a trade
29 name, assumed name, or a "doing-business-as" name. A license may only be issued

1 to a legal business entity. Only the name of a legal business entity or the legal name
2 of an individual shall be shown on the official records of the commission.

3 C. An applicant who provides any false statement, answer, or information
4 may be rejected by the commission and a new application may be requested. If any
5 false statement, answer, or information is discovered after a license has been issued,
6 the commission may suspend that license and take other disciplinary action.

7 D. An initial license application is considered pending until all licensing
8 requirements are met and the license is issued or denied by the commission. If an
9 application remains pending for one year from the date of submission, the
10 application is invalid.

11 E. Notwithstanding any other provision of law to the contrary, criminal
12 background information in the possession of the Louisiana State Licensing Board for
13 Contractors and the Louisiana Uniform Construction Code Commission is
14 confidential and shall not be disclosed to others outside of the agency except as
15 necessary for action on the application of the applicant. However, any such record
16 may be released to the public in an administrative proceeding before the board or
17 commission, and any final determination made by the board or commission relative
18 to the fitness of any person to receive or to continue to hold a license issued by the
19 board or commission and any legal grounds upon which such determination is based
20 shall be a public record, as provided by R.S. 44:4(51)(a). This is not to be construed
21 to interfere or with limit the jurisdiction and oversight of the legislative auditor or
22 the inspector general.

23 F.(1) An applicant denied licensure due to a background investigation may
24 appeal to the commission.

25 (2) An applicant denied licensure shall be issued a notice of the denial stating
26 the grounds for the denial.

27 (3) A denied applicant may request in writing a review of the denial by the
28 commission within thirty calendar days from receipt of the denial.

29 (4) The commission shall review the denial at its next regularly scheduled
30 meeting and affirm or reverse the denial.

1 (5) The person who requested the appeal shall be notified of the
2 commission's final decision in writing.

3 §3745. Licensing fees

4 A.(1) To defray the cost of issuing licenses and of administering the
5 provisions of this Chapter, the commission may set reasonable fees to be assessed
6 pursuant to the provisions of this Chapter, and reasonable penalties to be assessed for
7 late applications for renewal of licenses; however, the basic license fee shall be the
8 no more than one hundred dollars, and the fee for additional classifications shall be
9 a lesser amount set by the commission.

10 (2) All fees received by the commission in accordance with this Chapter
11 shall be solely used to effectuate the provisions of this Chapter.

12 (3) All fees shall be paid prior to the issuance of a license or other changes
13 or additions to an existing license.

14 (4) Any and all licensing fees for public inspectors are waived.

15 B. Fees for licenses shall not exceed the following amounts:

16	<u>(1) Classification qualification research fee</u>	<u>\$50.00</u>
17	<u>(2) License fee</u>	<u>\$100.00</u>
18	<u>(3) Renewal fee</u>	<u>\$100.00</u>
19	<u>(4) Delinquent fee</u>	<u>\$25.00</u>
20	<u>(5) Applicant investigative fee</u>	<u>\$50.00</u>
21	<u>(6) Renewal investigative fee</u>	<u>\$50.00</u>
22	<u>(7) Processing fee</u>	<u>\$25.00</u>
23	<u>(8) Insurance lapse fee, first offense</u>	<u>\$250.00</u>
24	<u>(9) Insurance lapse fee, second or subsequent offense</u>	<u>\$500.00</u>
25	<u>(10) Request for state license verification fee</u>	<u>\$25.00</u>
26	<u>(11) License reinstatement/reactivation fee</u>	<u>\$250.00</u>
27	<u>(12) Legal name change fee</u>	<u>\$25.00</u>
28	<u>(13) Business structure change fee</u>	<u>\$50.00</u>

1 §3746. Requirements of a licensee; record keeping; duty to report

2 A.(1) A licensee has a duty to maintain and provide unredacted records to
3 the commission as it may require to ensure the licensee is in compliance with the
4 law. The licensee shall maintain these records for five years. A licensee shall
5 provide records upon request by the commission within five business days of receipt
6 of the request.

7 (2) A licensee shall maintain on record with the commission current contact
8 information, such as legal name, mailing address, email address, phone numbers, or
9 any other required information. The licensee's email address on record with the
10 commission shall be used for official correspondence. Failure to maintain current
11 information with the commission may delay the issuance of a license, the timely
12 renewal of a license, or the receipt of updates to laws, rules, and regulations related
13 to this industry.

14 (3) A licensee shall maintain all requirements for licensure, including but not
15 limited to the following:

16 (a) Professional liability insurance without a lapse in coverage, pursuant to
17 R.S. 37:3744.

18 (b) Classification requirements for any active classification held by the
19 licensee. This includes any required certifications held with another agency, board,
20 commission, council, organization, or with the International Code Council.

21 (c) Active status with the secretary of state if the private inspector is
22 operating under a business name.

23 (4) A licensee shall provide written notification to the board within thirty
24 calendar days of any of the following occurrences:

25 (a) A change to any information provided in the original application or in
26 any amendment to that application, such as changes to his contact information,
27 changes to his employment with a public entity or private inspector company, or
28 changes to a private inspector company's ownership or business structure.

29 (b) A criminal, civil, or administrative action instituted or pending in another
30 jurisdiction against or involving the licensee or a principal of the licensee.

1 B. Failure to comply with the provisions of this Section may result in
2 disciplinary action by the commission pursuant to R.S. 37:3747.

3 PART IV. DISCIPLINARY MEASURES

4 §3747. Revocation and suspension of licenses; issuance of cease-and-desist orders;
5 debarment; violations; penalty; criminal penalty

6 A. A person shall not act as an inspector unless that person holds an active
7 inspector license in accordance with this Chapter. The commission may revoke,
8 suspend, or refuse to renew a license; issue cease-and-desist orders to stop work;
9 issue fines and penalties; or debar any person licensed pursuant to this Chapter for
10 any of the following violations:

11 (1) Failure to comply with this Chapter or the commission's rules and
12 regulations.

13 (2) Failure to continuously maintain the requirements for licensure.

14 (3) Undertaking, attempting to, submitting, offering to conduct, supervise,
15 superintend, oversee, direct, or in any manner assume charge of the performance of
16 building inspections as a building inspector, or the review or examination of
17 construction documents as a plans examiner for the enforcement of Uniform
18 Construction Code, without possessing the required license or the required license
19 classification.

20 (4) Performing a job for which a particular license classification is required
21 when the licensee does not hold the relevant license classification for the majority
22 of work performed.

23 (5) Passing inspections or approving work performed by a contractor for a
24 construction project on a commercial or residential structure that is not in
25 compliance with the Uniform Construction Code.

26 (6) Passing inspection or approving work performed by a contractor for a
27 construction project on a commercial or residential structure when that contractor
28 failed to obtain the proper permits and any other required documents from a parish,
29 municipality, or public entity within its jurisdiction for that construction project.

1 (7) Passing inspection or approving work for a construction project on a
2 commercial or residential structure where the scope of work being performed by a
3 contractor has exceeded the scope of work permitted by the parish, municipality, or
4 public entity within its jurisdiction.

5 (8) Passing inspection or approving work for a construction project on a
6 commercial or residential structure where there is a conflict of interest as provided
7 in R.S. 37:3742.

8 (9) Any effort to deceive or defraud the public.

9 (10) A dishonest or fraudulent act by a licensee which has caused damage
10 to another, as adjudged by a court of competent jurisdiction.

11 (11)(a) The following actions are violations of the authority of the
12 commission:

13 (i) Enforcing a code requirement in an area or circumstance not specified in
14 that requirement.

15 (ii) Enforcing a requirement in a manner that is more stringent than or
16 exceeding the code requirement.

17 (iii) Refusing to implement or adhere to an interpretation of the Uniform
18 Construction Code issued by the Louisiana Uniform Construction Code Commission.

19 (iv) Habitually failing to provide requested inspections in a timely manner.

20 (v) Enforcing a code official's preference in the method or manner of
21 installation of heating, ventilation, and air-conditioning units, appliances, or
22 equipment if that preference is not required by the Uniform Construction Code or
23 contradicts a manufacturer's installation instructions or specifications.

24 (b) The actions listed in Subparagraph (a) of this Paragraph are violations
25 regardless of whether that action results in a criminal conviction, guilty plea, or plea
26 of nolo contendere. A criminal conviction or plea for any of the actions listed in
27 Subparagraph (a) of this Paragraph shall independently constitute a violation and
28 grounds for disciplinary action. The commission may also find a violation through
29 its own administrative proceedings without a criminal conviction.

1 (12) Making or filing a report or record that the licensee knows to be false,
2 or knowingly inducing another to file a false report or record, or knowingly failing
3 to file a report or record required by state or local law, or knowingly impeding or
4 obstructing such filing, or knowingly inducing another person to impede or obstruct
5 such filing.

6 (13) Failing to properly enforce applicable building codes or permit
7 requirements within this state which the licensee knows are applicable or committing
8 willful misconduct, gross negligence, gross misconduct, repeated negligence, or
9 negligence resulting in danger to life or property.

10 (14) Issuing a building permit to a contractor, or any person representing
11 himself or herself as a contractor, without obtaining the contractor's license number
12 where such a license is required in accordance with R.S. 37:2150 et seq.

13 (15) Publishing, transmitting, distributing, or otherwise publicly circulating
14 a misleading or false claim related to a person's license status or classification in any
15 medium, including but not limited to digital platforms.

16 (16) Misrepresentation of fact by an applicant in obtaining a license;
17 misrepresentation of fact by an applicant or licensee in providing information,
18 statements, or documents to the commission; deception by omission; and providing
19 false testimony to the commission.

20 (17)(a) Permitting a license to be used for any purpose by any person other
21 than the person to whom the license is issued.

22 (b) Misrepresentation or fraudulent use of a license for any purpose by any
23 person other than the person to whom the license is issued.

24 (18) A problem related to the ability of the inspector to enforce the Uniform
25 Construction Code.

26 (19) Disqualification or debarment by any public entity.

27 (20)(a) Failure to provide a written notification to the commission of any
28 change to the information provided in the original application or in any amendment
29 within thirty calendar days.

1 (b) Failure to provide written notification to the commission of a criminal,
2 civil, or administrative action instituted or pending in another jurisdiction against or
3 involving the licensee or a principal of the licensee within thirty days.

4 (21)(a) Failure to provide a written report on each construction project
5 relative to his duties as a licensed inspector for the enforcement of the Uniform
6 Construction Code for compensation.

7 (b) Rendering, submitting, subscribing, or verifying false, deceptive,
8 misleading, or unfounded opinions, inspections, reports, photographs, or any other
9 documents relative to his duties as a licensed inspector for the enforcement of the
10 Uniform Construction Code.

11 (22) Assisting a person to circumvent the provisions of this Chapter.

12 (23) Abandoning or failing to perform his duties as a licensed inspector,
13 without justification.

14 (24) Failure to contract or perform work in the name as it appears on the
15 current license and in the official records of the commission.

16 (25) Failure to maintain and provide to the commission requested records,
17 documents, or other information within five business days of receipt of the request.

18 B. In the event of a revocation of a license, that license holder is ineligible
19 to apply for a license for five years following that revocation. Upon a determination
20 that a person has engaged in deceptive practices to meet the requirements for
21 licensure, that person shall be ineligible for licensure for a period of five years.

22 C. The commission may refuse to license any entity that has been debarred
23 pursuant to R.S. 39:1672. The commission may hold a hearing for any licensee
24 debarred pursuant to R.S. 39:1672 and suspend or revoke that license, order the
25 licensee to discontinue all work as an inspector, or debar a person or licensee from
26 acting as an inspector for any public entity for up to five years.

27 D. Any party to the proceeding who is aggrieved by the action of the
28 commission may appeal the decision in accordance with the Administrative
29 Procedure Act.

1 E. In accordance with the provisions of the Administrative Procedure Act,
2 any person who applies for and is denied a license by the commission, or whose
3 license has been revoked, rescinded, or suspended, may appeal to the Nineteenth
4 Judicial District Court to determine whether the commission has abused its
5 discretion.

6 §3748. Local regulatory authority; permit offices; staff; building permits

7 A. The commission or its designee, or the board or its designee, may inspect
8 the list of building inspections and plans inspections performed by public or private
9 inspectors in this state to verify that no person is working as an inspector without an
10 active license. Upon request, parish and municipal permitting authorities shall
11 provide the commission or its designee, or the board or its designee, all unredacted
12 documents relating to inspections.

13 B. The commission or its designee, or the board or its designee, may inspect
14 the list of permits issued by each local building permit official in this state to verify
15 that no person is working as a contractor without an active license. Upon request,
16 parish and municipal permitting authorities shall provide to the commission or its
17 designee, or the board or its designee, any documents relating to building permits,
18 applications, and inspections.

19 C. A local building department shall not issue a building permit to a person
20 who does not hold an active license with the State Licensing Board for Contractors
21 with the appropriate classification for the scope of work for which the permit is
22 issued. Nothing in this Section prohibits a local building department from issuing
23 a permit for work that does not require a license pursuant to this Chapter.

24 D. The local building permit official shall require an applicant claiming an
25 exemption for residential construction activities to submit an affidavit attesting to the
26 claimed exemption. That affidavit shall be executed on a form provided by the board
27 and submitted to the local building permit official prior to the issuance of a permit.
28 The affidavit shall be included in the permit file of the local regulatory authority.

29 E. The provisions of this Chapter preempt any municipal or other local
30 regulatory examination authority over licensees. If a governing authority or any

1 municipality or parish finds that the state minimum standards do not meet its needs,
2 the local government may with approval of the commission provide requirements
3 more stringent than those specified by the state.

4 §3749. Engaging in business of inspecting without authority prohibited; penalty

5 A.(1) It is unlawful for any person to engage in or to continue in this state
6 in the business of inspecting, or to act as an inspector as defined in this Chapter,
7 unless he holds an active license as an inspector in accordance with this Chapter.

8 (2) It is unlawful for any inspector, licensed or unlicensed, to publish,
9 transmit, distribute, or otherwise publicly circulate a misleading or false claim
10 related to a person's license or classification in any medium, including but not
11 limited to digital platforms.

12 B. It is sufficient for an indictment, information, or complaint to allege that
13 the accused unlawfully engaged in business as an inspector without authority from
14 the commission.

15 C. Any fine assessed and collected in accordance with the provisions of this
16 Section shall be remitted to the commission.

17 D. The district attorney for the jurisdiction in which a violation occurs has
18 sole authority to prosecute criminal actions pursuant to this Section.

19 §3750. Violations; civil penalty; jurisdiction

20 A. A private inspector or private inspector company that violates a provision
21 of this Chapter shall, after notice and a hearing, be liable to the commission for a fine
22 of no more than five thousand dollars for each offense. In addition to the fine, the
23 commission may impose administrative costs and attorney fees for each offense. In
24 determining the amount of the administrative penalty, the commission may consider
25 the circumstances and seriousness of the violation, cooperation on the part of the
26 inspector, and the history of previous violations.

27 B. Any fine, administrative costs, or attorney fee assessed by the commission
28 to a private inspector or a private inspector company shall be paid within ninety days
29 unless otherwise provided by law. Failure to pay an outstanding penalty may be

1 cause to suspend a license, deny issuance or renewal of a license, and may be subject
2 to collection efforts as provided by law.

3 C. In addition to or in lieu of the criminal penalties and administrative
4 sanctions provided in this Chapter, the commission may issue an order to cease and
5 desist to any person engaged in an activity, conduct, or practice constituting a
6 violation of this Chapter. The order shall be issued in the name of the state and
7 under the official seal of the commission.

8 D. If the person to whom the commission directs a cease-and-desist order
9 does not cease or desist the prohibited activity, conduct, or practice immediately, the
10 commission may sue to enjoin the person or firm from engaging in any activity,
11 conduct, or practice prohibited by this Chapter.

12 E. Upon proper showing by the commission that a person has engaged or is
13 engaged in an activity, conduct, or practice prohibited by this Chapter, the court shall
14 issue a temporary restraining order restraining that person or firm from engaging in
15 that activity, conduct, or practice pending a hearing on a preliminary injunction. A
16 permanent injunction may be issued after a hearing, commanding the cessation of
17 that activity, conduct, or practice without the commission giving a bond. A
18 temporary restraining order, preliminary injunction, or permanent injunction issued
19 pursuant to the provisions of this Section is not subject to being released upon bond.

20 F. In a suit for an injunction, the commission may demand a penalty
21 provided in Subsection A of this Section. A judgment for penalty, attorney fees, and
22 costs may be rendered in the same judgment in which the injunction is made final.
23 If the commission brings an action against a person pursuant to the provisions of this
24 Section and fails to prove its case, then it shall be liable to that person for his
25 attorney fees and court costs.

26 G. The trial of the proceeding for injunction shall be summary and by the
27 judge without a jury.

28 H. Anyone violating this Chapter who fails to cease work after proper
29 hearing and notification from the commission is not eligible to apply for an inspector

1 license for a period up to one year from the date of the official notification to cease
2 work.

3 I. Upon the expiration of the delays set forth in the Administrative Procedure
4 Act for an aggrieved party to appeal a fine or penalty assessed by the commission,
5 if an appeal has not been filed, the commission may initiate civil proceedings against
6 the violating party seeking a judgment for the amount of the fine assessed, together
7 with legal interest and reasonable attorney fees incurred by the commission in
8 bringing the action. The proceedings shall be conducted on a summary basis, with
9 the defendant being limited to the defense of lack of notice as to the meeting of the
10 commission during which the fine was assessed. A proceeding brought pursuant to
11 this Subsection may lie in any court of competent jurisdiction in this state.

12 J. In addition to all other authority granted to the commission by the
13 provisions of this Chapter, the commission may issue to any person alleged to have
14 violated this Chapter a citation setting forth the nature of the alleged violation, and
15 the options of pleading no contest to the charge, paying a fine to the commission
16 prescribed by this Chapter, or appearing at an administrative hearing conducted by
17 the commission regarding the alleged violation. That citation may be issued by a
18 person authorized by the commission in person, by certified mail with a return
19 receipt, or by email with a delivery receipt from the cited person. This Subsection
20 is not applicable to any criminal enforcement action brought pursuant to this
21 Chapter.

22 Section 3. R.S. 42:262(A) is hereby amended and reenacted as follows:

23 §262. Special attorney or counsel

24 A. In the event that the attorney general, or any state agency, board, or
25 commission, not including any public postsecondary education institution, is
26 represented by a special attorney or counsel, the special attorney or counsel shall not
27 be compensated for such representation on a contingency fee or percentage basis in
28 the absence of express statutory authority, including R.S. 17:100.10, R.S. 23:1669,
29 R.S. 37:2153 and 3730, R.S. 41:724 and 922, R.S. 42:1157.3, R.S. 46:15, R.S.
30 47:1512, 1515.3, 1516, 1516.1, and 1676. In retaining a special attorney or counsel,

1 preference shall be given to private attorneys licensed to practice law in this state and
2 law firms domiciled and licensed in this state.

3 * * *

4 Section 4. R.S. 44:4(51) and 4.1(24) are hereby amended and reenacted and R.S.
5 44:4(65) is hereby enacted to read as follows:

6 §4. Applicability

7 This Chapter shall not apply:

8 * * *

9 (51)(a) To any records, writings, accounts, recordings, letters, exhibits,
10 pictures, drawings, charts, photographs, memoranda, reports, examinations, or
11 evaluations, or copies thereof, in the custody of the State Licensing Board for
12 Contractors concerning the fitness of any person to receive or continue to hold a
13 license issued by the board. However, any such record may be released to the public
14 in an administrative proceeding before the board, and any final determination made
15 by the board relative to the fitness of any person to receive or to continue to hold a
16 license issued by the board and any legal grounds upon which such determination is
17 based shall be a public record.

18 (b) To any records, writings, accounts, recordings, letters, exhibits, pictures,
19 drawings, charts, photographs, memoranda, reports, examinations, or evaluations,
20 or copies thereof, in the custody of the State Licensing Board for Contractors and the
21 Louisiana Uniform Construction Code Commission concerning the fitness of any
22 person to receive or continue to hold a license issued by the commission. However,
23 any such record may be released to the public in an administrative proceeding before
24 the commission, and any final determination made by the commission relative to the
25 fitness of any person to receive or to continue to hold a license issued by the
26 commission and any legal grounds upon which such determination is based shall be
27 a public record.

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1186 Original

2026 Regular Session

Jacob Landry

Abstract: Provides relative to the Uniform Construction Code, creates the Louisiana Uniform Construction Code Commission to oversee the code and licensing of inspectors.

Present law provides for a State Uniform Construction Code to be overseen by a La. Uniform Construction Code Council.

Proposed law repeals present law and creates a successor body, the La. Uniform Construction Code Commission, to adopt and amend the Uniform Construction Code and license inspectors.

Present law provides for which agencies the La. Bureau of Criminal Identification and Information shall make available information upon request.

Proposed law adds the La. Uniform Construction Code Commission to the list of agencies in present law.

Present law provides certain limitations on disciplinary proceedings by occupational boards and commissions, and boards and commissions are exempt from those limitations.

Proposed law adds the La. Uniform Construction Code Commission to the list of exempted commissions.

Proposed law provides for legislative purpose.

Proposed law defines "applicant", "board", "building inspector", "building official", "commercial structure", "commission", "dwelling unit", "employee", "executive director", "familial relationship", "general license classification", "inspector", "license", "manufactured home", "modular home", "permit", "person", "plans examiner", "principal", "private inspector", "private inspector company", "public employee", "public entity", "public inspector", "residential structure", "specialty license classification", and "Uniform Construction Code".

Proposed law creates the La. Uniform Construction Code Commission and provides for how members shall be appointed and their term limits.

Proposed law provides for reimbursement of members for meetings and mileage.

Proposed law provides for removal of commission members and the filling of any vacancy.

Proposed law provides for the powers of the commission to adopt and review the Uniform Construction Code, for licensing of inspectors, to make certain contracts and collect certain fees, to promulgate rules, and to retain outside counsel.

Proposed law provides for domicile of the commission in Baton Rouge, and the conduct and scheduling of meetings.

Proposed law provides for annual audits of the commission's finances.

Proposed law provides procedures for adopting, reviewing, and amending the building codes in the Uniform Construction Code.

Proposed law provides for legislative oversight.

Proposed law provides for which national codes shall be adopted into the Uniform Construction Code.

Proposed law provides the determination of dates for which applicable codes shall be used to inspect a building

Proposed law provides for certain powers and duties of the state fire marshal.

Proposed law provides for the enforcement of the code by municipalities and parishes.

Proposed law provides for applicable standards for manufactured housing.

Proposed law requires lenders to file copies of the certificate of occupancy in the conveyance records of the parish where a new residential construction occurs.

Proposed law provides for responsibilities of municipalities and parishes in permitting and inspecting buildings.

Proposed law provides a list of certain industries for which facilities connected to those industries are exempt from the Uniform Construction Code.

Proposed law defines "farm structure" and "residential accessory structure" and exempts these structures from the Uniform Construction Code.

Proposed law provides that the codes and ordinances adopted by municipalities or parishes shall not interfere with or restrict utility providers.

Proposed law provides that proposed law shall not prohibit the La. Dept. of Health from regulating stored water temperatures in the sanitary code or regulating medical gas and medical vacuum systems.

Proposed law provides for local building officials to seek certain injunctive relief or mandamus to enforce the Uniform Construction Code.

Proposed law provides for agreements between public entities to enforce the provisions of the Uniform Construction Code.

Proposed law provides procedures for the appointment of building officials of local entities.

Proposed law provides for certain conflicts of interest that may bar a person from being licensed as a building official or inspector.

Proposed law provides for the types of licenses and license classifications, certain requirements to apply for and maintain those licenses and classifications, renewal procedures and time frames, and expiration of licenses.

Proposed law provides for penalties for providing false information to the commission in connection with seeking licensure or renewal.

Proposed law provides a public records exemption for certain financial or criminal background information submitted in connection with applications for licensure.

Proposed law provides a schedule of maximum licensing fees.

Proposed law requires licensees to keep information reported to the commission in regards to their license being current.

Proposed law provides for disciplinary measures for licensees for certain prohibited acts.

Proposed law provides for the appeal of disciplinary measures.

Proposed law for commission oversight of building and plans inspections.

Proposed law provides penalties for engaging in inspections or plans examination without a required license.

Proposed law provides for penalties for violations of proposed law, fines, and injunctive relief.

Proposed law provides that the commission may retain outside counsel for a contingency fee under certain circumstances.

Proposed law provides for exemptions to the Public Records Law.

Proposed law directs the La. State Law Institute to review all statutes in present law which contain phrases being changed by proposed law and make any necessary changes.

(Amends R.S. 15:587(A)(1)(a), R.S. 37:21(B)(intro. para.), R.S. 42:262(A), and R.S. 44:4(51) and 4.1(24); Adds R.S. 37:21(B)(12) and (13) and 3727-3750 and R.S. 44:4(65); Repeals R.S. 40:1730.21- 1730.40.2)