

First Extraordinary Session, 2005

SENATE BILL NO. 47

BY SENATOR B. GAUTREAUX

SAFETY REGULATIONS. Establishes a state uniform construction code. (gov sig)

1 AN ACT

2 To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 40:1730.21 through 1730.39, relative to state building codes; to  
4 provide for public policy of codes; to provide for enforcement; to provide for  
5 appointment of building official; to provide for adoption of codes; to provide for the  
6 creation of the Louisiana Building Codes Council; to provide for construction of  
7 farm structures; to provide for mandamus and injunctive relief; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part IV-B of Chapter 8 of Tile 40 of the Louisiana Revised Statutes of  
11 1950, comprised of R.S. 40:1730.21 through 1730.39, is hereby enacted to read as follows:

12 **PART IV-B. STATE UNIFORM CONSTRUCTION CODE**

13 **§1730.21. Public policy for state uniform construction code**

14 **A. The public policy of Louisiana is to maintain reasonable standards**  
15 **of construction in buildings and other structures in the state consistent with the**  
16 **public health, safety, and welfare of its citizens.**

17 **B. This Part is enacted to enable the state of Louisiana to promulgate a**

1 state uniform construction code to govern the construction, reconstruction,  
2 alteration and repair of buildings and other structures and the installation of  
3 mechanical devices and equipment therein, and to require the correction of  
4 unsafe conditions in existing buildings. The state uniform construction code  
5 shall establish uniform performance standards providing reasonable safeguards  
6 for health, safety, welfare, comfort and security of the residents of this state who  
7 are occupants and users of buildings, and will provide for the use of modern  
8 methods, devices, materials, and techniques.

9 C. To clarify the intent of the legislature and address questions which  
10 might arise or have arisen with respect to provisions of the nationally known  
11 codes which have been or are in place, only those portions or provisions of the  
12 nationally known building and safety codes which relate to building standards  
13 and safety are binding upon a state or local governmental entity or agency  
14 which adopts the building and safety codes authorized or required by this Part.

15 D. To further clarify the intent of the Legislature, this Part continues to  
16 apply to a person who may act under authority of the Department of Public  
17 Safety and Corrections and that the allocation of inspection duties among local  
18 officials is not dictated by this Part but remains a matter for the local authority.

19 E. To secure these purposes, the Louisiana State Uniform Construction  
20 Code Council shall certify a person performing building codes enforcement  
21 including building officials, plans reviewers and inspectors.

22 §1730.22. Louisiana State Uniform Construction Code Council; membership;  
23 function of council; meeting requirements

24 A. The Louisiana State Uniform Construction Code Council, hereinafter  
25 referred to as the council, is hereby created. Each member of the council shall  
26 be appointed by the governor for a term of three years and until a successor is  
27 appointed and qualifies. The council shall consist of nineteen members  
28 composed of:

29 (1) The chairperson of the House Commerce Committee or designee.

- 1                   **(2) The chairperson of the Senate Commerce, Consumer Protection and**  
2                   **International Affairs Committee or designee.**
- 3                   **(3) A representative of the Louisiana Chapter of the American Institute**  
4                   **of Architects.**
- 5                   **(4) A representative of the Louisiana Professional Engineering and**  
6                   **Surveying Board.**
- 7                   **(5) A representative of the Louisiana Home Builders Association.**
- 8                   **(6) The director of the Louisiana State Hurricane Center or designee.**
- 9                   **(7) A representative of the Building Officials Association of Louisiana.**
- 10                  **(8) A representative of the Louisiana State Fire Marshal.**
- 11                  **(9) A representative of the Louisiana Municipal Association.**
- 12                  **(10) A representative of the Police Jury Association of Louisiana.**
- 13                  **(11) A representative of the Louisiana Department of Facility Planning.**
- 14                  **(12) A representative of the general public who is not in the practice of**  
15                  **home or commercial safety inspection, construction, or building, and who does**  
16                  **not have any financial interest in these professions, and who does not have any**  
17                  **immediate family member in these professions to serve as an at-large consumer**  
18                  **representative.**
- 19                  **(13) A disabled person.**
- 20                  **(14) A representative of the property, casualty insurance industry.**
- 21                  **(15) A representative of the electrical industry who is a master**  
22                  **electrician.**
- 23                  **(16) A representative of the mechanical or gas industry who is a master**  
24                  **mechanic.**
- 25                  **(17) A representative of the plumbing industry who is a master plumber.**
- 26                  **(18) A representative of the Manufactured Housing Association.**
- 27                  **(19) A representative of the Louisiana Realtors Association.**
- 28                  **B. A vacancy shall be filled in the manner of the original appointment**  
29                  **for the unexpired portion of the term.**

1           **C. The primary function of the council is to review and adopt the state**  
2           **uniform construction code, provide for training and education of code officials**  
3           **and accept all requests for amendments of the code, except the Louisiana State**  
4           **Plumbing Code. The council shall determine which amendments, if any, are**  
5           **justified by local conditions and can be enacted after a finding on the record**  
6           **that the modification provides a reasonable degree of public health, safety, and**  
7           **welfare.**

8           **D. The council shall elect from its members a chairman and vice**  
9           **chairman. The council shall adopt regulations consistent with this Part. A**  
10           **meeting may be called by the chairman on his own initiative and must be called**  
11           **by him at the request of three or more members of the council. Each member**  
12           **must be notified by the chairman in writing of the time and place of the meeting**  
13           **at least seven days before the meeting. A majority of members constitute a**  
14           **quorum. Each meeting is open to the public. An official decision of the council**  
15           **may be made only by a vote of at least two-thirds of those members in**  
16           **attendance at the meeting.**

17           **§1730.23. Enforcement of building codes by municipalities and parishes**

18           **A. All municipalities and parishes in this state shall enforce only codes**  
19           **provided for in this Part.**

20           **B. To the extent that federal regulations preempt state and local laws,**  
21           **nothing in this Part shall conflict with the Federal Department of Housing and**  
22           **Urban Development's regulations regarding manufactured housing**  
23           **construction.**

24           **§1730.24. Agreements with other governmental entities for provision of services**

25           **Municipalities and parishes may establish agreements with other**  
26           **governmental entities of the state or certified third party providers to issue**  
27           **permits and enforce the state uniform construction code in order to provide the**  
28           **services required by this Part. The council may assist in arranging for**  
29           **municipalities, parishes, or certified third party providers to provide the**

1 services required by this Part to other municipalities or parishes if a written  
2 request from the governing body of the municipality or parish is submitted to  
3 the council.

4 §1730.25. Appointment of building official or contractual arrangement for  
5 such services; affidavit for exemption

6 Each parish shall appoint a council certified building official or contract  
7 with other governmental entities or third parties as authorized in Section  
8 1730.24 of this Part so that the unincorporated area of the parish is under the  
9 jurisdiction of a council certified building official. Each municipality may  
10 appoint a council certified building official or contract for a council certified  
11 building official within the municipal limits. Nothing in this Part shall prevent  
12 a municipality or parish from appointing and employing other council certified  
13 personnel and assistants necessary to perform the required inspections and  
14 technical duties and prescribing fees for construction permits and inspections  
15 as provided by law.

16 §1730.26. Adoption and promulgation of certain building codes and standards  
17 as state uniform construction code; procedures

18 The council is authorized to review, adopt, modify, and promulgate the  
19 building codes referenced in Section 1730.28 of this Part, provided that:

20 (1) The council shall promulgate rules and regulations to modify portions  
21 of the state uniform construction code referenced in Section 1730.28 of this Part  
22 under the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.  
23 The Senate and House committees on commerce shall receive notice of intent to  
24 modify portions of the state uniform construction code and shall have oversight  
25 of any such modifications under the provisions of the Administrative Procedure  
26 Act.

27 (2) The state uniform construction code shall be updated every 3 years.

28 §1730.27. Adoption and enforcement of emergency wind and flood mitigation  
29 requirements

1           A. All parishes that are within gubernatorially declared emergency  
2           areas after August 31, 2005, shall enforce, on an emergency basis, all the wind  
3           and flood mitigation requirements prescribed by the 2003 International  
4           Building Code and the 2003 International Residential Code, as modified in  
5           Section 1730.28(A)(3), and amending Section 301.2.1.1(2) to replace "Southern  
6           Building Code Congress International Standard for Hurricane Resistant  
7           Residential Construction (SSTD 10)" with the Guidelines for Hurricane  
8           Resistant Construction as published by the Institute for Business and Home  
9           Safety, 2005.

10           B. Emergency wind and flood building requirements adopted in this  
11           Section shall remain in force until the council adopts the latest editions of both  
12           the International Building Code and the International Residential Code, as  
13           modified by this Part, as minimum mandatory statewide codes.

14           C. Except as otherwise provided herein, the emergency wind and flood  
15           mitigation requirements adopted by this Section shall be enforced pursuant to  
16           Section 1730.23 of this Part. If municipalities and parishes are unable to  
17           enforce the emergency wind and flood mitigation requirements prescribed in  
18           this Section within thirty days of enactment of this Act, the Louisiana  
19           Department of Public Safety and Corrections shall enforce them as long as they  
20           remain in effect.

21           §1730.28. Mandatory adoption of certain nationally recognized codes and  
22           standards as the state uniform construction code; adoption by  
23           reference

24           A. The council shall adopt by reference and amend only the latest  
25           editions of the following as the state uniform construction code:

26           (1) International Building Code and the standards referenced in that  
27           code for regulation of construction within this state. The appendices of that code  
28           may be adopted as needed, but the specific appendix or appendices must be  
29           referenced by name or letter designation at the time of adoption.

1           **(2) International Existing Building Code and the standards referenced**  
2           **in that code for regulation of construction within this state. The appendices of**  
3           **that code may be adopted as needed, but the specific appendix or appendices**  
4           **must be referenced by name or letter designation at the time of adoption.**

5           **(3) International Residential Code, not including parts I-Administrative,**  
6           **IV-Energy Conservation, V-Mechanical, VII-Plumbing and VIII-Electrical. The**  
7           **applicable standards referenced in that code are included for regulation of**  
8           **construction within this state. The appendices of that code may be adopted as**  
9           **needed, but the specific appendix or appendices must be referenced by name or**  
10           **letter designation at the time of adoption, with the exception of Appendix J,**  
11           **Existing Buildings and Structures, which is hereby adopted by this reference.**  
12           **For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be**  
13           **amended as follows and only apply to the International Residential Code, 2003**  
14           **edition:**

15           **(a) Item 1, the American Forest and Paper Association (AF&PA), *Wood***  
16           ***Frame Construction Manual for One- and Two-Family Dwellings (WFCM), shall***  
17           **be replaced by the American Forest and Paper Association (AF&PA), *Wood***  
18           ***Frame Construction Manual for One- and Two-Family Dwellings (WFCM), High***  
19           **Wind Edition.**

20           **(b) Item 2, the Southern Building Code Congress International, *Standard***  
21           ***for Hurricane Resistant Residential Construction (SSTD 10), shall be replaced by***  
22           **the Institute for Business & Home Safety, *Guidelines for Hurricane Resistant***  
23           ***Construction, 2005.***

24           **(c) Amendment of R301.2.1.1 Design Criteria**

25           **(d) Item 6, the American Concrete Institute, *Guide to Concrete Masonry***  
26           ***Residential Construction in High Winds Areas, shall be added.***

27           **(e) Item 7, Institute for Business & Home Safety, *Optional Code-plus***  
28           ***Fortified for Safer Living, shall be added.***

29           **(f) Item 8, Federal Alliance for Same Homes, *Optional Code-plus***

1 Blueprint for Safety, shall be added.

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

7 (5) The Louisiana State Plumbing Code as amended by the Louisiana  
8 State Plumbing Board.

9 (6) International Fuel Gas Code and the standards referenced in that  
10 code for regulation of construction within this state. The appendices of the code  
11 provided in this Paragraph may be adopted as needed, but the specific appendix  
12 or appendices must be referenced by name or letter designation at the time of  
13 adoption.

14 (7) National Electric Code.

15 B. Within six months of the effective date of this Part, the council shall  
16 adopt the latest versions of the codes referenced in this Section.

17 §1730.29. Regulation of construction or improvement of industrial facilities

18 The provisions of this Part shall not apply to the construction or  
19 improvement of the following types of industrial facilities that are engaged in  
20 activities defined or classified under one or more of the following subsectors,  
21 industry groups, or industries of the 1997 North American Industry  
22 Classification System (NAICS):

23 (1) 22111 electric power generation.

24 (2) 321 wood products manufacturing.

25 (3) 322 paper manufacturing.

26 (4) 324 petroleum and coal products manufacturing.

27 (5) 325 chemical manufacturing.

28 (6) 326 plastics and rubber products manufacturing.

29 (7) 331 primary metals manufacturing.



1           §1730.30. Regulation of construction or improvement of farm structure;  
2                           authority to issue building permits

3           A. For purposes of this Section, "farm structure" means a structure  
4           which is constructed on a farm, other than a residence or a structure attached  
5           to it, for use on the farm including, but not limited to, barns, sheds, and poultry  
6           houses, but not public livestock areas. For purposes of this Section, "farm  
7           structure" does not include a structure originally qualifying as a "farm  
8           structure" but later converted to another use.

9           B. The governing authority of a parish or municipality may not enforce  
10           that portion of the state uniform construction code which regulates the  
11           construction or improvement of a farm structure.

12           C. For residential construction, the standards published by the Federal  
13           Emergency Management Agency for the National Flood Insurance Program  
14           shall apply.

15           D. The provisions of this Section do not apply unless, before  
16           constructing a farm structure, the person owning the property on which the  
17           structure is to be constructed files an affidavit with the parish or municipal  
18           official responsible for enforcing the building code stating that the structure is  
19           being constructed as a farm structure. The affidavit must include a statement  
20           of purpose or intended use of the proposed structure or addition.

21           E. The provisions of this Section shall not affect the power of the  
22           governing authority of a parish or municipality to issue building permits before  
23           the construction or improvement of a farm structure.

24           §1730.31. Mandamus and injunctive relief for violation of code or regulation;  
25                           penalties

26           For a violation of the building codes or regulations adopted pursuant to  
27           this Part, the local building official may enjoin further construction of the  
28           project as provided for by local ordinance. The municipal, district or parish  
29           attorney, attorney general or other appropriate authorities of a political

1 subdivision, in addition to other remedies, may apply for injunctive relief,  
2 mandamus, or other appropriate proceeding in the district court of the parish  
3 where the violation occurred.

4 §1730.32. Imposition of fees; parish and municipal authority

5 A. Nothing in this Part shall prohibit the governing authority of a parish  
6 or municipality from imposing fees necessary to implement and continue the  
7 provisions required by this Part as provided by law.

8 B. The provisions of this Chapter are cumulative to other local  
9 ordinances and do not limit the authority of parishes or municipalities as long  
10 as they do not diminish the requirements established in this Part.

11 §1730.33. Codes applicable to building inspections

12 Buildings must be inspected in accordance with the codes in effect for the  
13 locality on the date of the issuance of the original building permit, except that:

14 (1) If no date of issuance of original building permit can be found, the  
15 date of submission of the completed application to the local authority must be  
16 used.

17 (2) If no date of application for, or date of issuance of, building permit  
18 is available, the director of the applicable parish planning and development  
19 service or similar agency shall determine the nearest possible date by using  
20 available documents, such as transfer of property records, mortgage records,  
21 tax records, or rent records.

22 §1730.34. Responsibility of Louisiana State Construction Code Council for  
23 registration of building codes enforcement officers; record of  
24 hearings and proceedings; register of applications for certificates  
25 of registrations

26 A. The Louisiana State Uniform Construction Code Council is  
27 responsible for the registration of building codes enforcement officers pursuant  
28 to this Part. When used in this Part "building codes enforcement officer"  
29 means a person employed by a public entity who is primarily responsible for the

1 overall inspection or enforcement of applicable building code requirements  
2 within the jurisdiction of the employer.

3 B. The council or its designated representatives may conduct hearings  
4 and proceedings required by law or considered necessary by the council. The  
5 Department of Public Safety and Corrections shall employ and supervise  
6 personnel necessary for the administration of this Part. The council may  
7 promulgate regulations under the provisions of the Administrative Procedure  
8 Act for the proper enforcement of this Part.

9 C. The council shall keep a record of its hearings and proceedings and  
10 a register of applications for the certificates of registration showing the date of  
11 application, name, qualifications, and addresses of the business and residence  
12 of the applicant and whether the certificate is approved or denied. The council  
13 shall publish at least annually the applications in the register which are  
14 approved. Applicants and registrants shall notify the council of changes in  
15 required information within ten days of a change.

16 §1730.35. Application and issuance of certificates of registration; provisional  
17 certificates of registration; registration

18 A. A person desiring to be registered as a building code enforcement  
19 officer as required by this Part shall apply upon a form prescribed by the  
20 council.

21 B. An applicant shall furnish satisfactory proof to the council of valid  
22 certification by a recognized code organization or testing agency in the general  
23 or special capacity in which he desires to be registered. Special certificates of  
24 registration authorize the registrant to practice in the named specialty only.  
25 General certificates of registration are not restricted. The council or its  
26 designated representatives shall review the guidelines employed by the  
27 organization or agency in order to determine their continued compatibility with  
28 the requirements considered by the council to be consistent with this Part.

29 C. Certificates of registration may be issued without examination to

1 building code enforcement officers employed in code enforcement on the  
2 effective date of this Part only for the position and locality held at the time of  
3 registration pursuant to this Section. This registration is valid for two years  
4 and may be renewed.

5 D. Upon initial employment by a parish, municipality or other political  
6 subdivision, an individual must be granted a provisional certificate of  
7 registration without examination which is valid for the time period stipulated  
8 by regulation of the council for each registration classification from the date of  
9 issuance. The provisional certificate of registration may not be renewed.

10 E. The council shall have the authority to suspend or revoke certificates  
11 of registration upon any violation of this Part after notice and a proper hearing.  
12 The council shall implement rules for such proceedings under the  
13 Administrative Procedure Act.

14 §1730.36. Registration required to practice as code enforcement officer

15 No person may practice as a code enforcement officer in this state unless  
16 registered as provided in this Part.

17 §1730.37. Injunction to restrain person from violating this Part

18 If the council has reason to believe that a person is violating or intends  
19 to violate a provision of this Part, in addition to other remedies, it may order the  
20 person immediately to refrain from the conduct. The council may apply to the  
21 district court of the parish for an injunction restraining the person from the  
22 conduct. The court may issue a temporary injunction ex parte not to exceed ten  
23 days and upon notice and full hearing may issue other orders in the matter it  
24 considers proper. No bond is required of the council by the court as a condition  
25 to the issuance of an injunction or other order pursuant to this Part.

26 §1730.38. Duration of certificates; renewal; continuing education requirements;  
27 funding

28 A certificate of registration is valid for two years and expires on the last  
29 day of the month of issuance. Renewal of all registrations must be based upon

1 a determination by council of the applicant's participation in approved  
 2 continuing education programs. The council must promulgate regulations  
 3 setting forth the continuing education requirements for building code  
 4 enforcement officers. A person failing to make timely renewal of his certificate  
 5 is not registered unless qualified in the manner provided for new registrants  
 6 and may not practice until registered in accordance with this Part.

7 §1730.39. Powers of state fire marshal

8 A. The state fire marshal may establish contract agreements with  
 9 municipalities and parishes in order to provide permitting and code  
 10 enforcement on behalf of the municipality or parish as provided in Section  
 11 1730.24 of this Part.

12 B. Nothing in this Part shall be construed so as to prevent the state fire  
 13 marshal from enforcing the fire protection, life safety, handicapped  
 14 accessibility, and high rise laws of this state, the enforcement of which are his  
 15 statutory and regulatory responsibility.

16 C. Nothing in this Part shall be construed so as to prevent the state fire  
 17 marshal from enforcing the Commercial Building Energy Conservation Code  
 18 as provided in R.S. 40:1730.41 et seq.

19 Section 2. Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of  
 20 1950, comprised of R.S. 40:1725 through 1730.1, is hereby repealed in its entirety.

21 Section 3. This Act shall become effective upon signature by the governor or, if not  
 22 signed by the governor, upon expiration of the time for bills to become law without signature  
 23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 24 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 25 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jeffery T. Oglesbee.

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DIGEST

Proposed law provides for the state uniform construction code.

Proposed law provides for a public policy and legislative intent regarding the state uniform construction code.

Proposed law creates the "Louisiana State Uniform Construction Code Council" (hereinafter referred to as the "council").

Proposed law requires that the council consist of 19 members who shall be appointed by the governor for a term of three years or until a successor is appointed as follows:

- (1) The chairperson of the House Commerce Committee or designee.
- (2) The chairperson of the Senate Commerce, Consumer Protection, and International Affairs Committee or designee.
- (3) A representative of the Louisiana Chapter of the American Institute of Architects.
- (4) A representative of the Louisiana Professional Engineering and Surveying Board.
- (5) A representative of the Louisiana Home Builders Association.
- (6) The director of the Louisiana State Hurricane Center or designee.
- (7) A representative of the Building Officials Association of Louisiana.
- (8) A representative of the Louisiana State Fire Marshal.
- (9) A representative of the Louisiana Municipal Association.
- (10) A representative of the Police Jury Association of Louisiana.
- (11) A representative of the Louisiana Department of Facility Planning.
- (12) A representative of the general public.
- (13) A disabled person.
- (14) A representative of the property, casualty insurance industry.
- (15) A representative of the electrical industry who is a master electrician.
- (16) A representative of the mechanical or gas industry who is a master mechanic.
- (17) A representative of the plumbing industry who is a master plumber.
- (18) A representative of the Manufactured Housing Association.
- (19) A representative of the Louisiana Realtors Association.

Proposed law provides that the primary function of the council is to review and adopt the state uniform construction code, provide for training and education of code officials, and to accept requests for amendments to the code, except the Louisiana State Plumbing Code.

Proposed law requires the council to elect a chairman and vice chairman from its membership. The chairman may call a meeting and must call a meeting at the request of three or more members of the council. A majority of the members will constitute a quorum and all official decisions must be approved by a two-thirds vote of the members present at the meeting.

Proposed law requires all municipalities and parishes to enforce the codes provided for in proposed law unless preempted by federal regulations and are not in conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction.

Proposed law allows municipalities and parishes to establish agreements with other governmental entities or certified third party providers in order to issue permits and enforce the state uniform construction code as required by proposed law. Further requires each parish or municipality to appoint a certified building official or contract with other governmental entities or certified third party providers.

Proposed law authorizes the council to review, adopt, modify, and promulgate the building codes provided for in proposed law. Further requires the council to promulgate rules and regulations portions of the state uniform construction code pursuant to the provisions of the Administrative Procedure Act and oversight by the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs Committee as provided for by the Administrative Procedure Act.

Proposed law requires that the state uniform construction code must be updated by the council every three years.

Proposed law requires that any parish located within gubernatorially declared emergency area after August 31, 2005 must enforce, on an emergency basis, all the wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified and amending Section 301.2.1.1(2) to replace "Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)" with the Guidelines for Hurricane Resistant Construction as published by the Institute for Business and Home Safety, 2005.

Proposed law further requires that the emergency wind and flood mitigation requirements remain in full force and effect until the council adopts the latest editions of both the International Building Code and the International Residential Code, as modified.

Proposed law requires each affected municipality and parish to enforce the emergency wind and flood mitigation requirement in accordance with the provisions of proposed law. In the event a municipality or parish is unable to enforce these provisions within 30 days of enactment of proposed law, the Department of Public Safety and Corrections shall enforce them as long as they remain in effect.

Proposed law requires the council to adopt by reference and amend only the latest editions of the following as the state uniform construction code:

- (1) International Building Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (2) International Existing Building Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (3) International Residential Code, not including parts I-Administrative, IV-Energy Conservation, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures,

which is hereby adopted by this reference. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) will be amended as follows and only apply to the International Residential Code, 2003 edition:

- (a) Item 1, the American Forest and Paper Association (AF&PA), *Wood Frame Construction Manual for One- and Two-Family Dwellings* (WFCM), shall be replaced by the American Forest and Paper Association (AF&PA), *Wood Frame Construction Manual for One- and Two-Family Dwellings* (WFCM), High Wind Edition.
  - (b) Item 2, the Southern Building Code Congress International, *Standard for Hurricane Resistant Residential Construction* (SSTD 10), shall be replaced by the Institute for Business & Home Safety, *Guidelines for Hurricane Resistant Construction*, 2005.
  - (c) Amendment of R301.2.1.1 Design Criteria
  - (d) Item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, will be added.
  - (e) Item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, will be added.
  - (f) Item 8, Federal Alliance for Same Homes, *Optional Code-plus Blueprint for Safety*, will be added.
- (4) International Mechanical Code and the standards referenced in that code for regulation of construction within this state. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
  - (5) The Louisiana State Plumbing Code as amended by the Louisiana State Plumbing Board.
  - (6) International Fuel Gas Code and the standards referenced in that code for regulation of construction within this state. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
  - (7) National Electric Code.

Proposed law requires the council to meet and adopt the latest versions of the codes referred to above within six months following enactment of proposed law.

Proposed law does not apply to the construction or improvement of the following types of industrial facilities as defined or classified pursuant to the 1997 North American Industry Classification System (NAICS):

- (1) 22111 electric power generation.
- (2) 321 wood products manufacturing.
- (3) 322 paper manufacturing.
- (4) 324 petroleum and coal products manufacturing.
- (5) 325 chemical manufacturing.



- (6) 326 plastics and rubber products manufacturing.
- (7) 331 primary metals manufacturing.

Proposed law does not apply to a "farm structure" as defined by proposed law, provided that the person owning the property upon which the "farm structure" is to be built files an affidavit with the parish or municipal building official which states that the structure to be constructed is to be a "farm structure" and which states the intended purpose or use of the structure or addition.

Proposed law allows the local building official to enjoin further construction of a project as provided for by local ordinance upon a violation of the building codes or regulations adopted pursuant to the provisions of proposed law. Further provides that the municipal, district, parish attorney or the attorney general may apply for additional injunctive relief in the district court of the parish where the violation occurred.

Proposed law allows the governing authority of a parish or municipality to impose fees necessary to implement and continue the provisions of proposed law and further provides that the provisions of proposed law are cumulative to other local ordinances.

Proposed law requires that building must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit.

Proposed law requires the Louisiana State Uniform Construction Code Council to:

- (1) Register building code enforcement officers pursuant to the provisions of proposed law.
- (2) Conduct hearings and proceedings as necessary to implement the provisions of proposed law and promulgate regulations pursuant to the provisions of the Administrative Procedure Act for the proper enforcement of proposed law.
- (3) Keep a record of its hearings and proceedings and to keep a register of applications for certificates of registration. The council must publish at least annually the approved applications.

Proposed law allows the council to issue certificates of registration without application to building code enforcement officers employed in code enforcement on the effective date of proposed law. This registration is valid for two years and may be renewed.

Proposed law requires that upon initial employment by a parish, municipality, or other political subdivision an individual must be granted a provisional certificate of registration without examination for a specified time period. A provisional certificate of registration may not be renewed.

Proposed law allows the council to order persons violating the provisions of proposed law to refrain from the conduct and may also apply to the district court of the parish in which the violation occurs for injunctive relief.

Proposed law requires any person practicing as a building code enforcement officer to be registered as provided for by proposed law and must apply upon a form prescribed by the council.

Proposed law requires applicants to furnish satisfactory proof to the council of a valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. The council may suspend or revoke certificates of registration upon any violation of proposed law following notice and a hearing consistent with the provisions of the Administrative Procedure Act.

Proposed law provides that a certificate of registration is valid for two years and expires on July first of every other year unless renewed before that date. Renewal of a certificate of registration must be determined by the council to ensure that the applicant meets the continued education requirements promulgated by the council.

Proposed law allows the state fire marshal to establish contract agreements with municipalities or parishes in order to provide permitting and code enforcement as provided for in proposed law. Further clarifies that the provisions of proposed law do not prevent the state fire marshal from meeting his other statutory and regulatory responsibilities.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1730.21 - 1730.39; repeals R.S. 40:1725 - 1730.1)