

2018 Regular Session

SENATE BILL NO. 196

BY SENATOR FANNIN

SAFETY REGULATIONS. Provides relative to the state uniform construction code.
(8/1/18)

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AN ACT

To amend and reenact R.S. 40:1730.39(A), relative to the state uniform construction code;
to provide for powers of the state fire marshal; to provide relative to the contractual
authority of the state fire marshal; to provide for certain terms, conditions, and
procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.39(A) is hereby amended to read as follows:

§1730.39. Powers of state fire marshal

A.(1) The state fire marshal may establish contract agreements with
municipalities and parishes in order to provide code enforcement on behalf of the
municipality or parish as provided in R.S. 40:1730.24 of this Part.

**(2)(a) The agreement may include a provision that permits the state fire
marshal to take into consideration practical and unreasonable economic
hardships before applying the strict requirements of this Part. Pursuant to the
contractual agreement with a municipality or parish executed in accordance
with the provisions of this Subsection and upon appeal of the professional of
record for a plan review of a structure, except one- or two- family dwellings, the**

1 state fire marshal may allow alternative materials, design, and methods of
 2 construction and equipment that comply with the provisions of the
 3 International Building Code, Chapter I-Administrative, relative to alternative
 4 materials, design, and methods of construction and equipment.

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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 196 Engrossed

2018 Regular Session

Fannin

Present law provides relative to the state uniform construction code and the power of the state fire marshal.

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

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

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

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

Effective August 1, 2018.

(Amends R.S. 40:1730.39(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Provides that the appeal may be made by a professional of record for a plan review of commercial buildings.
2. Allows the state fire marshal to allow alternative materials, design, and methods of construction and equipment that comply with the provisions of the International Building Code, Chapter I-Administrative relative to alternative materials, design, and methods of construction and equipment.
3. Limits the provisions of the International Building Code the state fire marshal may adopt in accordance with the Administrative Procedure Act.