

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Cathey to Engrossed Senate Bill No. 489 by Senator Cathey

1 AMENDMENT NO. 1

2 Delete Senate Floor Amendments proposed by Senator Cathey and adopted by the Senate
3 on April 30, 2024, designated as SFASB489ALEXANDERX2750.

4 AMENDMENT NO. 2

5 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
6 14 and insert:

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

14 AMENDMENT NO. 3

15 On page 1, line 16, after "Section 1." delete "R.S. 17:407.62(7) and 407.66(A)(1)" and insert
16 "R.S.40:1578.6(A) and (C), 1578.7(A), (B), (C), (D), and (E), 1730.22(A), 1730.23(A),
17 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and (B), and 1740"

18 AMENDMENT NO. 4

19 Delete pages 2 through 14 and insert:

20 "§1578.6. ~~National Fire Protection Association's Life Safety Code; Southern~~
21 ~~Standard Building Code~~ **Louisiana State Uniform Construction**
22 **Code**; applicability to high rise structures; minimum standards;
23 existing hazardous buildings; appeal

24 A. Adequate protection for life safety shall be afforded in every structure or
25 movable as those terms are defined in R.S. 40:1573. To afford such protection, all
26 newly constructed structures and movables shall comply with the rules and
27 regulations to be promulgated by the ~~fire marshal~~ **Louisiana State Uniform**
28 **Construction Code Council** in conformity with the Administrative Procedure Act
29 which shall establish as minimum standards the provisions of the ~~Life Safety Code~~
30 ~~of the National Fire Protection Association, and Section 518 - Special Provisions for~~
31 ~~High Rise, of Chapter IV of the Southern Standard Building Code, International~~
32 **Building Code and International Existing Building Code** applicable to high rise
33 structures as both are ~~annually or~~ periodically amended, and the fire marshal shall
34 be the authority having jurisdiction to enforce compliance with such regulations.
35 ~~The effective date for enforcement shall be one hundred eighty days after adoption~~
36 ~~and promulgation under the Administrative Procedure Act.~~

37 * * *

38 C. This Section shall not apply to existing buildings, except as provided for
39 by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless the
40 fire marshal deems that a serious life hazard exists due to a particular condition, at
41 which time he can require the institution of proper fire protection measures to
42 alleviate the particular hazards noted according to the chapter on existing buildings
43 of the latest edition of the N.F.P.A. Life Safety Code, as most recently adopted by
44 administrative rule by the office of the state fire marshal, code enforcement and
45 building safety **International Code Council's International Existing Building**
46 **Code as adopted by the Louisiana State Uniform Construction Code Council in**
47 **accordance with R.S. 40:1730.28.1.** Such directives of the fire marshal may be

1 appealed to the board of review. "Lawfully constructed and maintained" as used in
2 this Subsection means in conformance with the laws, codes, rules, and regulations
3 in force at the time of original construction.

4 §1578.7. State Uniform Fire Prevention Code

5 A. It is hereby found and declared by the legislature that the protection of life
6 and property will be enhanced by adoption of the National Fire Prevention Code, as
7 it is published by the National Fire Protection Association or the International Fire
8 Code, as it is published by the International Code Council. ~~It is also hereby~~
9 ~~found and declared by the legislature that the adoption of NFPA 1 will complement~~
10 ~~and not conflict with the National Fire Protection Association's Life Safety Code.~~

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

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

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

26 E. The state fire marshal shall have the power and authority to promulgate
27 those rules and regulations as may be necessary to incorporate or adopt any
28 subsequent amendments or additions to the State Uniform Fire Prevention Code to
29 conform to NFPA 1 **or the IFC,** as it is ~~they are~~ subsequently amended or issued as
30 a new edition by the National Fire Protection Association or the International Code
31 Council.

32 * * *

33 §1730.22. Louisiana State Uniform Construction Code Council; membership;
34 function of council; meeting requirements; immunity

35 A. The Louisiana State Uniform Construction Code Council, hereinafter in
36 this Part referred to as the "council", is hereby created and shall consist of twenty
37 members, one of whom shall be the state health officer, or his designee, **and one of**
38 **whom shall be the fire marshal, or his designee.** With the exception of the state
39 health officer, or his designee, **and the fire marshal, or his designee,** who shall
40 serve by virtue of his position, each member of the council shall be appointed by the
41 governor, subject to Senate confirmation, and shall serve at the pleasure of the
42 governor. With the exception of the state health officer, or his designee, **and the fire**
43 **marshal, or his designee,** each term for a member of the council shall be four years
44 where a member shall serve no more than two consecutive terms. Each member of
45 the council shall serve without compensation but shall be reimbursed for actual
46 expenses and mileage incurred while attending council meetings in accordance with
47 state travel regulations promulgated by the division of administration.
48 Reimbursement shall be limited to mileage and expenses for the attendance of twelve
49 meetings per calendar year.

50 * * *

51 §1730.23. Enforcement of building codes by municipalities ~~and parishes,~~ **parishes,**
52 **and the fire marshal**

53 A. **(1)** Notwithstanding any other law to the contrary relating to the authority
54 of local governments to enforce construction codes, all municipalities and parishes
55 in this state shall enforce only the construction codes provided for in this Part. All
56 municipalities and parishes shall use building code enforcement officers or certified
57 third-party providers contracted by the municipality, parish, or regional planning
58 commission to act in the capacity of a building code enforcement officer to enforce
59 the provisions of this Part. Enforcement procedures by building code enforcement
60 officers or third-party providers acting in the capacity of a building code
61 enforcement officer shall include examination or review of plans, drawings, or

1 specifications; the conducting of inspections; and the issuance, denial, or revocation
2 of permits. A building code enforcement officer, third-party provider, or third-party
3 provider contracted by a jurisdiction as provided for in R.S. 40:1730.24(A) shall not
4 conduct plan review or inspections on a commercial or residential structure if such
5 officer or provider owns any interest in the legal entity that constructed such
6 commercial or residential structure or receives any compensation from the legal
7 entity other than the fees that are charged for plan review or inspections. Nothing in
8 this **Subsection Paragraph** shall be construed to prevent a commercial or residential
9 contractor or homeowner from using a third-party provider as provided for in R.S.
10 40:1730.24(B). Nothing in this **Subsection Paragraph** shall be construed to prevent
11 a commercial contractor or commercial owner from using the office of state fire
12 marshal as a third-party provider as provided for in R.S. 40:1730.24(B) on
13 commercial structures in any parish within the state with a population of less than
14 forty thousand and whose boundaries lie completely north of the one hundred ten
15 mile per hour wind line, as shown in the American Society of Civil Engineers
16 (ASCE-7) basic wind speeds map published in the latest edition of the International
17 Building Code.

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

21 * * *

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

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

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

32 * * *

33 §1730.39. Powers of state fire marshal

34 A.(1) The state fire marshal may ~~establish contract agreements~~ **enter into**
35 **agreements by letter of intent** with municipalities and parishes in order to provide
36 code enforcement on behalf of the municipality or parish as provided in R.S.
37 40:1730.24 of this Part.

38 * * *

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

44 * * *

45 §1733. **ADA Standards to prevent architectural barriers**

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

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

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

61 * * *

1 §1737. Violations; enforcement by fire marshal

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

13 * * *

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

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

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

26 * * *

27 §1740. Enforcement of Part

28 A. For purposes of enforcing this Part, in any instance in which the ~~ADA~~
29 ~~Standards~~ **are the International Building Code Chapter 11-Accessibility** is not
30 complied with the local building code authorities and the health authorities shall
31 have authority to enforce these standards. Written approval by the fire marshal shall
32 be presumptive evidence of compliance with ~~ADA Standards~~ **the International**
33 **Building Code Chapter 11-Accessibility** but shall not be considered conclusive and
34 local building code authorities and health authorities shall have the power to review
35 all construction within their jurisdiction to the end that the intent of this legislation
36 shall be enforced.

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

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

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