

DIGEST

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SB 489 Reengrossed

2024 Regular Session

Cathey

Present law requires newly constructed structures and movables comply with the rules and regulations to be promulgated by the fire marshal.

Proposed law retains present law but changes from the fire marshal to the La. St. Uniform Construction Code Council and changes from the Life Safety Code of the National Fire Protection Association (NFPA), and Section 518-Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code to the International Building Code and International Existing Building Code.

Present law provides existing buildings do not have to comply with present law, except for fire sprinkler systems in existing buildings which were lawfully constructed and maintained unless the fire marshal deems that a serious life hazard exists due to a particular condition, at which time he can require the institution of proper fire protection measures to alleviate the particular hazards noted according to the chapter on existing buildings of the latest edition of the NFPA Life Safety Code, as most recently adopted by administrative rule by the office of the state fire marshal, code enforcement and building safety. Present law authorizes the appeal of directives of the fire marshal to the board of review. Provides a definition for "lawfully constructed and maintained".

Proposed law retains present law but changes the safety requirements from NFPA Life Safety Code to the International Building Code and International Existing Building Code as adopted by the La. State Uniform Construction Code Council in accordance with present law.

Present law provides that the legislature declares that the protection of life and property will be enhanced by adoption of the National Fire Prevention Code, as it is published by the National Fire Protection Association. Present law provides that the legislature declares that the adoption of NFPA 1 will complement and not conflict with the National Fire Protection Association's Life Safety Code (NFPA).

Proposed law retains present law but adds the International Fire Code (IFC), as it is published by the International Code Council, and removes the legislative declaration to adopt the NFPA 1.

Present law provides the National Fire Prevention Code, known as NFPA 1, 1997 edition, published and maintained by the NFPA is adopted as the State Uniform Fire Prevention Code to the extent that it does not conflict with the NFPA's Life Safety Code. Present law requires certain buildings are limited to structures, watercraft, and movables as defined by present law.

Proposed law retains present law but adds the IFC and removes the restriction that both the NFPA and the IFC cannot conflict with the NFPA's Life Safety Code.

Present law provides nothing in present law shall be construed so as to prevent the state fire marshal from enforcing the NFPA's Life Safety Code nor any other laws of the state, the enforcement of which are his statutory and regulatory responsibility.

Proposed law retains present law but adds the International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the La. State Uniform Code Council in accordance with present law.

Present law provides that the state fire marshal has the power and authority to promulgate rules and regulations as may be necessary to incorporate or adopt any subsequent

amendments or additions to the State Uniform Fire Prevention Code to conform to NFPA 1, as it is subsequently amended or issued as a new edition by the NFPA.

Proposed law retains present law but adds the IFC and adds amendments made by the International Code Council.

Present law provides that the La. State Uniform Construction Code Council (council) shall consist of 20 members, one of whom is the state health officer, or his designee. Provides member requirements with the exception of the state health officer, or his designee.

Proposed law retains present law but adds the fire marshal or his designee as a member of the council. Proposed law adds an exception to the member requirements for the fire marshal.

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

Proposed law retains present law but adds the fire marshal can enforce the International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the council in accordance with present law.

Present law requires the council to adopt certain nationally recognized codes and standards.

Proposed law retains present law but removes the International Building Code Chapter 11 - Accessibility.

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

Proposed law retains present law but changes from the establishment of a contract agreement to entering into agreements by letter of intent.

Present law provides nothing in present law is to be construed so as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in present law.

Proposed law repeals present law.

Proposed law adds the fire marshal can enforce the International Code Chapters 7, 8, 9, 10, and 11 with referenced standards as adopted by the council in accordance with present law.

Present law provides the standards for the Americans with Disabilities Act Standards (ADA) for Accessible Designs as adopted by the United States Dept. of Justice.

Proposed law repeals present law.

Proposed law provides the International Building Code Chapter 11-Accessibility, as adopted by council in accordance with present law. Proposed law requires compliance with the Accessible and Usage Buildings and Facilities.

Present law provides for violations and exceptions to the ADA Standards.

Proposed law retains present law but changes the standard from the ADA Standard to the International Building Code Chapter 11-Accessibility standard.

Present law prohibits building permits from being issued, and no state contract can be awarded, nor any change is permitted for new building plans that affect compliance with the ADA Standards be approved for any public buildings or facilities or private buildings or facilities until the fire marshal has reviewed the plans and he finds that the plans comply with the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law requires that the plans for a building permit comply with the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law provides the requirements for enforcing the ADA Standards.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

Present law provides that local building code authorities, health authorities, or any individual may seek an injunction to halt construction or require compliance with ADA Standards of any public building or facility or private building or facility which has been constructed or is being constructed in violation of present law and all actions are required to be brought in the district court of the parish in which the noncompliant public building or facility or private building or facility, or portion thereof, is situated.

Proposed law retains present law but changes from the ADA Standards to the International Building Code Chapter 11-Accessibility.

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

Proposed law repeals present law (R.S. 40:1734) which provides that accessibility features are required for new public buildings or facilities and private buildings or facilities.

Proposed law repeals present law (R.S. 40:1735) which requires public buildings or facilities or private buildings or facilities to display signs.

Proposed law repeals present law (R.S. 40:1736) which prohibits obstruction of common or emergency exists.

Effective on January 1, 2026.

(Amends R.S. 40:1578.6(A) and (C), 1578.7(A), (B), (C), (D), and (E), 1730.22(A), 1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and (B), and 1740; Repeals R.S. 40:1732 and 1734-1736)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical changes.
2. Provides an exception relative to the fire marshal reviewing construction plans.
3. Restores present law relative to inspections done by the fire marshal.
4. Adds an enforcement requirement relative to present law fire protections.
5. Restores present law relative to the monitoring function conferred by the fire marshal.
6. Restores present law relative to fire exits in a hotel or motel room.

7. Restores present law relative to smoke detectors and carbon monoxide detectors.
8. Restores present law relative to emergency elevator access, master keys, and substitute emergency measures and for enforcement and penalties.
9. Restores present law relative to equal access to governmental and public facilities for the community of persons with disabilities.
10. Provides the La. State Uniform Construction Code Council is required to review, adopt, and amend the International Fire Code on or prior to July 1, 2025.
11. Provides enforcement and administration of the International Fire Code shall become effective January 1, 2026.

Senate Floor Amendments to engrossed bill

1. Changes present law from the fire marshal promulgating rules to the La. State Uniform Construction Code Council promulgating rules.
2. Changes the building code standard from the Life Safety Code of the National Fire Protection Association, and Section 518-Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code to the International Building Code and International Existing Building Code.
3. Adds the IFC to the state uniform fire prevention code.
4. Adds the fire marshal or his designee as a member of the La. State Uniform Construction Council.
5. Adds the fire marshal may enforce the International Building Code Chapters 7, 8, 9, 10, and 11 as adopted by the council in accordance with present law.
6. Removes the International Building Code Chapter 11 - Accessibility from the nationally recognized codes and standards.
7. Authorizes the state fire marshal to enter into agreements by a letter of intent.
8. Authorizes the fire marshal to enforce the International Code Chapters 7, 8, 9, 10, and 11 with referenced standards as adopted by the council in accordance with present law.
9. Changes the standards from the Americans with Disabilities Act (ADA) for accessible designs to the International Building Code Chapter 11-Accessibility, as adopted by council.
10. Changes the violation and exceptions standards from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
11. Changes the building permit process from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
12. Changes the enforcement requirements from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
13. Changes the procedures for an injunction from the ADA Standards to the International Building Code Chapter 11-Accessibility standard.
14. Repeals definitions for the "ADA", "ADA Standards", "alteration", "building", "dwelling unit", "fire marshal", "improved area", "private building or facility", "public building or facility", and "structure".

15. Adds January 1, 2026, effective date.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Make technical correction.