

SENATE BILL NO. 489

BY SENATOR CATHEY AND REPRESENTATIVES CREWS, DICKERSON,  
EDMONSTON, GADBERRY, HORTON, MCCORMICK AND  
THOMPSON

1 AN ACT

2 To amend and reenact R.S. 40:1578.6, 1578.7(A), (B), (C), (D), and (E), 1730.22(A),  
3 1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and  
4 (B), and 1740, and to repeal R.S. 40:1732, and 1734 through 1736, relative to the fire  
5 marshal; to provide for powers of the fire marshal; to provide for the Louisiana State  
6 Uniform Construction Code; to provide for adoption of certain codes; to provide for  
7 accessibility of buildings; to provide for terms, conditions, and procedures; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1578.6, 1578.7(A), (B), (C), (D), and (E), 1730.22(A),  
11 1730.23(A), 1730.28(A)(1), 1730.39(A)(1) and (C), 1733, 1737(A), 1738(A) and (B), and  
12 1740 are hereby amended and reenacted to read as follows:

13 §1578.6. ~~National Fire Protection Association's Life Safety Code; Southern Standard~~  
14 ~~Building Code~~ **Louisiana State Uniform Construction Code**;  
15 applicability to ~~high-rise~~ structures; minimum standards; existing  
16 hazardous buildings; appeal

17 A. Adequate protection for life safety shall be afforded in every structure or  
18 movable as those terms are defined in R.S. 40:1573. To afford such protection, all  
19 newly constructed structures and movables shall comply with the rules and  
20 regulations to be promulgated by the ~~fire marshal~~ **Louisiana State Uniform**  
21 **Construction Code Council** in conformity with the Administrative Procedure Act  
22 which shall establish as minimum standards the provisions of the ~~Life Safety Code~~

1 of the National Fire Protection Association, and Section 518 - Special Provisions for  
 2 High Rise, of Chapter IV of the Southern Standard Building Code, Louisiana State  
 3 Uniform Construction Code as applicable to high rise structures, including high  
 4 rise buildings, as both are ~~annually~~ or periodically amended, and the fire marshal  
 5 shall be the authority having jurisdiction to enforce compliance with the fire  
 6 protection, egress, and accessibility provisions of such regulations. ~~The effective~~  
 7 ~~date for enforcement shall be one hundred eighty days after adoption and~~  
 8 ~~promulgation under the Administrative Procedure Act.~~

9 B. In addition to the provisions of Subsection A of this Section, the  
 10 facilities provided for in R.S. 40:1563(C)(4) shall comply with the provisions of  
 11 the Life Safety Code of the National Fire Protection Association as promulgated  
 12 by the fire marshal in conformity with the Administrative Procedure Act.

13 ~~B.C.~~ A parish or municipality which, prior to January 1, 1975, had adopted  
 14 and is enforcing a nationally recognized model building code ~~and/or~~ or fire  
 15 prevention code or a code equal to a nationally recognized building code ~~and/or~~ or  
 16 fire prevention code may continue to enforce such codes in place of the codes  
 17 required in the paragraph above; however, such codes shall contain requirements that  
 18 are substantially equal to the fire marshal's code with respect to high rise buildings,  
 19 mandatory automatic sprinkler and extinguishment systems, and fire detection  
 20 systems.

21 ~~C.D.(1)~~ This Section shall not apply to existing buildings, except as provided  
 22 for by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless  
 23 the fire marshal deems that a serious life hazard exists due to a particular condition,  
 24 at which time he can require the institution of proper fire protection measures to  
 25 alleviate the particular hazards noted according to either of the following: the  
 26 ~~chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code,~~  
 27 ~~as most recently adopted by administrative rule by the office of the state fire marshal,~~  
 28 ~~code enforcement and building safety. Such directives of the fire marshal may be~~  
 29 ~~appealed to the board of review. "Lawfully constructed and maintained" as used in~~  
 30 ~~this Subsection means in conformance with the laws, codes, rules, and regulations~~

1 in force at the time of original construction.

2 (a) The chapter on existing buildings of the 2015 edition of the N.F.P.A.  
 3 Life Safety Code for facilities pursuant to R.S. 40:1563(C)(4) and structures that  
 4 are permitted for construction prior to January 1, 2026.

5 (b) The International Code Council's International Existing Building  
 6 Code as adopted by the Louisiana State Uniform Construction Code Council in  
 7 accordance with R.S. 40:1730.28 for structures that are permitted for  
 8 construction on or after January 1, 2026.

9 (2) Such directives of the fire marshal may be appealed to the board of  
 10 review. "Lawfully constructed and maintained" as used in this Subsection  
 11 means in conformance with the laws, codes, rules, and regulations in force at the  
 12 time of original construction.

13 §1578.7. State Uniform Fire Prevention Code

14 A. It is hereby found and declared by the legislature that the protection of life  
 15 and property will be enhanced by adoption of the National Fire Prevention Code, as  
 16 it is published by the National Fire Protection Association or the International Fire  
 17 Code, as it is published by the International Code Council. It is also hereby found  
 18 and declared by the legislature that the adoption of NFPA 1 will complement and not  
 19 conflict with the National Fire Protection Association's Life Safety Code.

20 B. The National Fire Prevention Code, known as NFPA 1, ~~1997 edition,~~  
 21 ~~published and maintained by the National Fire Protection Association~~ or the  
 22 International Fire Code, known as the IFC, is hereby adopted as the State  
 23 Uniform Fire Prevention Code to the extent that it does not conflict with the National  
 24 Fire Protection Association's Life Safety Code. Application of requirements that  
 25 pertain to buildings shall be limited to structures, watercraft, and movables as  
 26 defined by R.S. 40:1573.

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

29 D. Nothing in this Section shall be construed ~~so as~~ to prevent the state fire  
 30 marshal from enforcing the National Fire Protection Association's Life Safety Code

1 fire protection, egress, and accessibility provisions of the Louisiana State  
 2 Uniform Construction Code, excluding the provisions for one- and two-family  
 3  dwellings, as adopted by the Louisiana State Uniform Code Council in  
 4 accordance with R.S. 40:1730.28, nor any other laws of the state, the enforcement  
 5 of which are his statutory and regulatory responsibility.

6 E. The state fire marshal shall have the power and authority to promulgate  
 7 those rules and regulations as may be necessary to incorporate or adopt any  
 8 subsequent amendments or additions to the State Uniform Fire Prevention Code to  
 9 conform to NFPA 1 or the IFC, as it is they are subsequently amended or issued as  
 10 a new edition by the National Fire Protection Association or by the International  
 11 Code Council.

12 \* \* \*

13 §1730.22. Louisiana State Uniform Construction Code Council; membership;  
 14 function of council; meeting requirements; immunity

15 A. The Louisiana State Uniform Construction Code Council, hereinafter in  
 16 this Part referred to as the "council", is hereby created and shall consist of twenty  
 17 members, one of whom shall be the state health officer, or his designee, and one of  
 18 whom shall be the fire marshal, or his designee. With the exception of the state  
 19 health officer, or his designee, and the fire marshal, or his designee, who shall  
 20 serve by virtue of his position, each member of the council shall be appointed by the  
 21 governor, subject to Senate confirmation, and shall serve at the pleasure of the  
 22 governor. With the exception of the state health officer, or his designee, and the fire  
 23 marshal, or his designee, each term for a member of the council shall be four years  
 24 where a member shall serve no more than two consecutive terms. Each member of  
 25 the council shall serve without compensation but shall be reimbursed for actual  
 26 expenses and mileage incurred while attending council meetings in accordance with  
 27 state travel regulations promulgated by the division of administration.  
 28 Reimbursement shall be limited to mileage and expenses for the attendance of twelve  
 29 meetings per calendar year.

30 \* \* \*

1 §1730.23. Enforcement of building codes by municipalities ~~and parishes,~~ **parishes,**  
 2 **and the fire marshal**

3 A.**(1)** Notwithstanding any other law to the contrary relating to the authority  
 4 of local governments to enforce construction codes, all municipalities and parishes  
 5 in this state shall enforce only the construction codes provided for in this Part. All  
 6 municipalities and parishes shall use building code enforcement officers or certified  
 7 third-party providers contracted by the municipality, parish, or regional planning  
 8 commission to act in the capacity of a building code enforcement officer to enforce  
 9 the provisions of this Part. Enforcement procedures by building code enforcement  
 10 officers or third-party providers acting in the capacity of a building code  
 11 enforcement officer shall include examination or review of plans, drawings, or  
 12 specifications; the conducting of inspections; and the issuance, denial, or revocation  
 13 of permits. A building code enforcement officer, third-party provider, or third-party  
 14 provider contracted by a jurisdiction as provided for in R.S. 40:1730.24(A) shall not  
 15 conduct plan review or inspections on a commercial or residential structure if such  
 16 officer or provider owns any interest in the legal entity that constructed such  
 17 commercial or residential structure or receives any compensation from the legal  
 18 entity other than the fees that are charged for plan review or inspections. Nothing in  
 19 this ~~Subsection~~ **Paragraph** shall be construed to prevent a commercial or residential  
 20 contractor or homeowner from using a third-party provider as provided for in R.S.  
 21 40:1730.24(B). Nothing in this ~~Subsection~~ **Paragraph** shall be construed to prevent  
 22 a commercial contractor or commercial owner from using the office of state fire  
 23 marshal as a third-party provider as provided for in R.S. 40:1730.24(B) on  
 24 commercial structures in any parish within the state with a population of less than  
 25 forty thousand and whose boundaries lie completely north of the one hundred ten  
 26 mile per hour wind line, as shown in the American Society of Civil Engineers  
 27 (ASCE-7) basic wind speeds map published in the latest edition of the International  
 28 Building Code.

29 **(2) Nothing in this Section shall be construed to prevent the fire marshal**  
 30 **from enforcing the fire protection, egress, and accessibility provisions of the**

1 Louisiana State Uniform Construction Code, excluding the provisions for one-  
2 and two-family dwellings, as adopted by the council in accordance with R.S.  
3 40:1730.28.

4 \* \* \*

5 §1730.28. Mandatory adoption of certain nationally recognized codes and standards  
6 as the state uniform construction code; adoption by reference

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

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

15 \* \* \*

16 §1730.39. Powers of state fire marshal

17 A.(1) The state fire marshal may ~~establish contract agreements~~ **enter into**  
18 **agreements by letter of intent** with municipalities and parishes in order to provide  
19 code enforcement on behalf of the municipality or parish as provided in R.S.  
20 40:1730.24 of this Part.

21 \* \* \*

22 C. ~~Nothing in this Part shall be construed so as to prevent the state fire~~  
23 ~~marshal from enforcing the Commercial Building Energy Conservation Code as~~  
24 ~~provided in R.S. 40:1730.41 et seq.~~ **The fire marshal shall enforce the fire**  
25 **protection, egress, and accessibility provisions of the Louisiana State Uniform**  
26 **Construction Code, excluding the provisions for one- and two-family dwellings,**  
27 **with referenced standards as adopted by the council in accordance with R.S.**  
28 **40:1730.28.**

29 \* \* \*

30 §1733. ~~ADA~~ **Standards to prevent architectural barriers**

1           A. ~~The Americans with Disabilities Act Standards for Accessible Design in~~  
 2 ~~effect on March 15, 2011, as adopted by the United States Department of Justice~~  
 3 ~~pursuant to the ADA are hereby adopted as of October 1, 2011, and requirements~~  
 4 ~~therein, shall be complied with~~ The International Building Code Chapter 11-  
 5 Accessibility, as adopted by the Louisiana State Uniform Construction Code  
 6 Council in accordance with R.S. 40:1730.28 and requirements therein, including  
 7 the referenced ICC A117.1 Accessible and Usage Buildings and Facilities, shall  
 8 be complied with.

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

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

\* \* \*

§1737. Violations; enforcement by fire marshal

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

\* \* \*

§1738. Review of plans and specifications before construction begins

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

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

12   \*       \*       \*

13           §1740. Enforcement of Part

14           A. For purposes of enforcing this Part, in any instance in which the ~~ADA~~  
15 ~~Standards~~ **are the International Building Code Chapter 11-Accessibility** ~~is~~ not  
16 complied with, the local building code authorities and the health authorities shall  
17 have authority to enforce these standards. Written approval by the fire marshal shall  
18 be presumptive evidence of compliance with ~~ADA Standards~~ **the International**  
19 **Building Code Chapter 11-Accessibility** but shall not be considered conclusive and  
20 local building code authorities and health authorities shall have the power to review  
21 all construction within their jurisdiction to the end that the intent of this legislation  
22 shall be enforced.

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

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



1           Section 3. This Act shall become effective on July 1, 2026; if vetoed by the governor  
2           and subsequently approved by the legislature, this Act shall become effective on the day  
3           following such approval by the legislature or July 1, 2026, whichever is later.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_