

Regular Session, 2007

# ACT No. 364

HOUSE BILL NO. 629

BY REPRESENTATIVES RITCHIE AND PINAC

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact Part IV-D of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.51 through 1730.66, relative to industrialized buildings; to provide legislative findings; to provide for definitions; to provide for rules and regulations relative to industrialized buildings; to provide for third-party inspectors and design review agencies; to provide for standards of construction for industrialized buildings; to provide for enforcement of the building code; to provide for enforcement of building code amendments; to provide for design review; to provide for equivalent methods of compliance; to provide for inspections of industrialized buildings; to provide for decals or insignia on modules; to provide for reciprocity of industrialized buildings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV-D of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1730.51 through 1730.66, is hereby enacted to read as follows:

PART IV-D. INDUSTRIALIZED BUILDINGS

§1730.51. Title

This Part shall be known and may be cited as the "Louisiana Industrialized Building Act".

§1730.52. Legislative findings

A. The Legislature of Louisiana finds that, in an effort to meet the building needs within the state, the private construction industry has developed mass production techniques which can substantially reduce construction costs, and the

1 mass production of buildings presents unique problems with respect to the  
2 establishment of uniform health and safety standards and inspection procedures.

3 B. Due to the nature of the construction of modular building units, which  
4 arrive at the site of installation with some or all of the electrical, mechanical,  
5 plumbing, and other systems already built into the unit and not able to be inspected  
6 at the site without disassembly or destruction, it is the purpose of this Part to provide  
7 for the inspection of modular building units for compliance with the building code  
8 at the place of manufacture.

9 §1730.53. Definitions

10 As used in this Part, the following terms and phrases shall have the meaning  
11 ascribed to them in this Section, unless the context clearly indicates otherwise:

12 (1) "Building code" means the Louisiana State Uniform Construction Code  
13 provided for in R.S. 40:1730.21 et seq.

14 (2) "Commercial building" means a structure used for any purpose other than  
15 a single or multifamily residence or accessory to a single or multifamily residence.

16 (3) "Construction site building" means a commercial structure that is not  
17 open to the public and used for any purpose at a commercial site by a person  
18 constructing a building, road, bridge, utility, or other infrastructure or improvement  
19 to real property.

20 (4) "Council" means the Louisiana State Uniform Construction Code  
21 Council.

22 (5) "Industrialized building" means a commercial structure that is the  
23 following:

24 (a) Constructed in one or more modules or constructed using one or more  
25 modular components built at a location other than the commercial site.

26 (b) Designed to be used as a commercial building when the module or the  
27 modular component is transported to the commercial site and erected or installed.

28 (c) Includes the structure's plumbing, heating, air conditioning, and electrical  
29 systems.

1                    (d) Includes a permanent commercial structure and a commercial structure  
 2                    designed to be transported from one commercial site to another commercial site but  
 3                    does not include:

4                    (i) A commercial structure that exceeds three stories or forty-nine feet in  
 5                    height as measured from the finished grade elevation at the building entrance to the  
 6                    peak of the roof.

7                    (ii) A commercial building or structure that is installed in a manner other  
 8                    than on a permanent foundation and is either not open to the public or less than one  
 9                    thousand five hundred square feet in total area and used other than as a school or a  
 10                   place of religious worship.

11                   (6) "Modular component" means a structural part of a building constructed  
 12                   at a location other than the building site in a manner that prevents the construction  
 13                   from being adequately inspected for building code compliance at the building site  
 14                   without damage or removal and reconstruction of a part of the building.

15                   §1730.54. Rules and regulations

16                   The state fire marshal shall provide by rule for registration and regulation of  
 17                   manufacturers or dealers of industrialized buildings.

18                   §1730.55. Third-party providers

19                   Third-party providers shall be registered with the council in accordance with  
 20                   R.S. 40:1730.35.

21                   §1730.56. Standards

22                   A. Industrialized buildings constructed after January 1, 2007, shall meet or  
 23                   exceed the requirements of the building code and the requirements of the state fire  
 24                   marshal in accordance with R.S. 40:1574 through 1593.

25                   B. Industrialized buildings constructed prior to January 1, 2007, shall meet  
 26                   or exceed the requirements established by the parish or municipality in which the  
 27                   building is to be located at the time of construction of the industrialized building.  
 28                   If the parish or municipality has not established requirements, compliance with the  
 29                   wind and flood provisions as adopted by the Louisiana State Uniform Construction  
 30                   Code Council shall be required as a minimum standard. A change in the use of an

1 industrialized building shall be subject to the requirements established for  
2 renovations. An industrialized building which is not accessible by the public may  
3 be relocated within the state without the requirement of modification or alteration.  
4 In addition, a change in use of such building shall not be subject to the requirements  
5 established for renovations unless the change in use allows access by the public.

6 C. Documentation indicating the date of construction of the industrialized  
7 building shall be presented to the building official in that jurisdiction upon  
8 application for a permit.

9 §1730.57. Building code enforcement; municipality or parish

10 A municipality or parish may not require or enforce, as a prerequisite for  
11 granting or approving a building or construction permit or certificate of occupancy,  
12 any requirement more stringent than the standards provided for in this Part.

13 §1730.58. Building code amendments

14 A. An industrialized building that bears an approved decal or insignia  
15 indicating that the building complies with the building code for specific wind zones  
16 and that has not been modified or altered shall not be required to comply with an  
17 amendment to the building code approved by the council.

18 B. Any elements that are altered in existing industrialized buildings shall be  
19 made to conform to the requirements of the building code for new construction to the  
20 extent as the state fire marshal may determine is practically feasible.

21 C. The owner of an industrialized building that bears an approved decal or  
22 insignia indicating the building complies with the building code and that is modified  
23 or altered after the date the council approves a building code amendment must ensure  
24 one of the following:

25 (1) The entire building complies with the building code or building code  
26 amendment if the cost of the modification or alteration to the building is at least fifty  
27 percent of the value of the modules or modular components used in the construction  
28 of the building.

29 (2) The modified or altered portion of the building complies with the  
30 building code or building code amendment if the cost of the modification or

1           ~~alteration is less than fifty percent of the value of the modules or modular~~  
2           ~~components.~~

3           §1730.59. Design review

4                   To ensure compliance with the building code, the state fire marshal or an  
5           approved third-party provider shall review designs, plans, and specifications of  
6           industrialized buildings for compliance with the building code.

7           §1730.60. Approval of design

8                   A. Each page of the designs, plans, and specifications shall bear a stamp of  
9           approval by the state fire marshal if the designs, plans, and specifications satisfy the  
10          requirements set forth in R.S. 40:1730.59.

11                  B. The state fire marshal may establish reasonable fees in order to implement  
12          provisions of this Section.

13          §1730.61. Equivalent methods of compliance

14                  With reference to the standards and requirements of the building code, the  
15          state fire marshal may determine, from an engineering performance standpoint, all  
16          questions concerning building code equivalency or alternative materials or methods  
17          of construction or as approved by the Louisiana State Uniform Construction Code  
18          Council.

19          §1730.62. Inspections

20                  A. The state fire marshal may adopt and promulgate rules and regulations  
21          regarding procedures for inspecting the construction of industrialized buildings to  
22          ensure compliance with approved designs, plans, and specifications.

23                  B. To ensure compliance with the building code or approved designs, plans,  
24          and specifications, the state fire marshal or a registered third-party inspector shall  
25          inspect the construction of industrialized buildings. The state fire marshal may allow  
26          approved third-party inspectors to perform the inspections subject to the rules or  
27          regulations adopted and promulgated by the council.

28                  C. A building code enforcement officer or a registered third-party inspector  
29          shall inspect all construction involving industrialized buildings to ensure compliance  
30          with designs, plans, and specifications, including the inspection of:

1                   (1) The construction of the foundation system.

2                   (2) The erection and installation of the modules or modular components on  
3 the foundation.

4                   §1730.63. Decals or insignia

5                   A. The state fire marshal shall provide by rule for the placement of decals  
6 or insignia on each transportable modular section or modular component to indicate  
7 compliance with the building code.

8                   B. The state fire marshal may exempt by rule a construction site building  
9 from the requirements of this Section.

10                  §1730.64. Reciprocity

11                  A. The state fire marshal may authorize an inspection of industrialized  
12 buildings constructed in another state to be performed by an inspector of the  
13 equivalent regulatory agency of the other state.

14                  B. The state fire marshal may authorize an inspection of industrialized  
15 buildings constructed in this state for use in another state.

16                  C. The state fire marshal may enter into a reciprocity agreement with the  
17 equivalent regulatory agency of the other state as necessary to implement this  
18 Section.

19                  D. The state fire marshal may approve previously manufactured  
20 industrialized buildings when the state fire marshal determines that the adopted  
21 standards of other states are reasonably consistent with those of the building code in  
22 effect at the time of unit manufacture. The previously manufactured industrialized  
23 building shall be required to bear a data plate indicating the codes in effect at the  
24 time of unit manufacture and any other state labels that are applicable.

25                  §1730.65. Local government authority

26                  A. Local authority is specifically and entirely reserved to a municipality or  
27 parish regarding:

28                   (1) Land use and zoning requirements.

29                   (2) Building setback requirements.

30                   (3) Side and rear yard requirements.

1                   (4) Site planning and development and property line requirements.

2                   (5) Subdivision control.

3                   (6) Landscape architectural requirements.

4                   B. Requirements and regulations not in conflict with this Part or with other  
5 state law relating to transportation, erection, installation, or use of industrialized  
6 buildings must be reasonably and uniformly applied and enforced without  
7 distinctions as to whether the buildings are manufactured or are constructed on-site.

8                   C. A parish or municipality that regulates the on-site construction or  
9 installation of industrialized buildings may:

10                   (1) Require and review, for compliance with the building code, a complete  
11 set of designs, plans, and specifications bearing the state fire marshal's stamped  
12 approval for each installation of industrialized buildings.

13                   (2) Require that all applicable local permits and licenses be obtained before  
14 construction begins on a building site.

15                   (3) Require, in accordance with rules established by the state fire marshal,  
16 that all modules or modular components bear an approved decal or insignia  
17 indicating inspection by the department.

18                   (4) Establish procedures for the inspection of the following:

19                   (a) The erection and installation of industrialized buildings to ensure  
20 compliance with the building code and council rules.

21                   (b) All foundation and other on-site construction, to ensure compliance with  
22 approved designs, plans, and specifications.

23                   D. Procedures described by Paragraph (C)(4) of this Section may require the  
24 following:

25                   (1) Before occupancy, a final inspection or test in accordance with the  
26 building code.

27                   (2) Correction of any deficiency identified by the test or discovered in the  
28 final inspection.

1           §1730.66. State fire marshal; state health officer; authority

2                   A. Nothing in this Part shall be construed to prevent the state fire marshal  
3                   from enforcing the fire protection, life safety, handicapped accessibility, and high-  
4                   rise laws of this state.

5                   B. Nothing in this Part shall be construed as to prevent the state fire marshal  
6                   from enforcing the Commercial Building Energy Conservation Code as provided in  
7                   R.S. 40:1730.41 et seq.

8                   C. Nothing in this Part shall be construed as to prevent the state health  
9                   officer from enforcing any applicable requirements of the State Sanitary Code as  
10                   provided in R.S. 40:4.

11                   D. Nothing in this Part shall be construed to authorize the state fire marshal  
12                   to adopt or amend the Louisiana State Uniform Construction Code.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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