

Regular Session, 2009
HOUSE BILL NO. 637

ACT No. 514

BY REPRESENTATIVES PONTI AND ARNOLD

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

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AN ACT

To amend and reenact R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and (C)(introductory paragraph), and 1730.65(C)(1) and to enact R.S. 40:1730.53(5)(e), (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68, relative to the Industrialized Building Act; to provide for changes to definitions; to provide for new definitions; to provide for inspections by the fire marshal; to provide for exemptions for decals or insignia; to provide for fees; to provide for the Industrialized Building Program Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and (C)(introductory paragraph), and 1730.65(C)(1) are hereby amended and reenacted and R.S. 40:1730.53(5)(e), (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68 are hereby enacted to read as follows:

§1730.53. Definitions

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

* * *

(2) "Commercial building" means a structure used for any purpose other than a ~~single or multifamily residence~~ one- and two-family dwelling or accessory to a ~~single or multifamily residence~~ one- and two-family dwelling.

* * *

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

1 (a) ~~Constructed in~~ Erected or installed using one or more modules or
 2 ~~constructed using~~ one or more modular components ~~built~~ that are constructed at a
 3 location other than the commercial site.

4 * * *

5 (d) Includes a permanent commercial structure and a commercial structure
 6 designed to be transported from one commercial site to another commercial site, ~~but~~
 7 ~~does not include:~~

8 ~~(f)~~ (e) ~~A commercial structure that exceeds~~ Does not exceed three stories or
 9 forty-nine feet in height as measured from the finished grade elevation ~~at the~~
 10 ~~building entrance~~ to the peak of the roof.

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

15 (6) "Modular component" means a structural part of a building constructed
 16 at a location other than the ~~building~~ commercial site in a manner that prevents the
 17 construction from being adequately inspected for building code compliance at the
 18 ~~building~~ commercial site without damage or removal and reconstruction of a part of
 19 the building.

20 (7) "Fund" means the Industrialized Building Program Fund.

21 (8) "Module" means a three-dimensional section of industrialized building
 22 designed and approved to be transported as a single section independent of other
 23 sections, with or without modules or modular components, that prevents the
 24 construction from being adequately inspected for building code compliance without
 25 damage or removal and reconstruction of a part of the building.

26 (9) "Secretary" means the secretary of the Department of Public Safety and
 27 Corrections.

28 * * *

1 §1730.60. Approval of design

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

5 ~~B. The state fire marshal may establish reasonable fees in order to implement~~
6 ~~provisions of this Section.~~

7 * * *

8 §1730.62. Inspections

9 * * *

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

15 C. A building code enforcement officer, or a registered third-party inspector,
16 or the state fire marshal or his designee shall inspect ~~all~~ construction involving the
17 installation of industrialized buildings to ensure compliance with designs, plans, and
18 specifications, including the inspection of:

19 * * *

20 §1730.63. Decals or insignia

21 * * *

22 C. The state fire marshal may exempt by rule an industrialized building that
23 is installed in a manner other than on a permanent foundation and is either not open
24 to the public or less than one thousand five hundred square feet in total area and used
25 other than as a school or a place of religious worship.

26 * * *

27 §1730.65. Local government authority

28 * * *

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

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

4 * * *

5 §1730.67. Fees

6 The state fire marshal may establish by rule, adopted in accordance with the
7 Administrative Procedure Act, reasonable fees in order to implement the provisions
8 of this Part, not to exceed the following:

9 (1) Manufacturer registration, three hundred fifty dollars per year per
10 location.

11 (2) Dealer registration, two hundred fifty dollars per year.

12 (3) Plan review:

13 (a) Shall not exceed five hundred dollars for buildings of two thousand
14 square feet or less.

15 (b) Shall not exceed thirty cents per square foot for buildings over two
16 thousand square feet.

17 (4) Code equivalency review, one hundred dollars per review.

18 (5) Inspections, forty dollars per hour, including travel time.

19 (6) Decal or insignia issuance:

20 (a) For modules, seven cents per square foot of floor area, with a minimum
21 fee of twenty-five dollars.

22 (b) For components, two cents per square foot of surface area, with a
23 minimum fee of sixty cents.

24 §1730.68. Industrialized Building Program Fund; distribution

25 A. All proceeds derived from the fees and all amounts received by the
26 secretary from interest, fines, or penalties or any other source pursuant to the
27 provisions of this Part shall be deposited with the state treasurer. After compliance
28 with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana,
29 the state treasurer shall, each fiscal year and subject to an annual appropriation by
30 the legislature, credit to the "Industrialized Building Program Fund", which is hereby

1 created in the treasury, an amount equal to the amount of money paid into the
 2 treasury by the secretary pursuant to the provisions of this Section. All unexpended
 3 and unencumbered monies in the fund at the end of each fiscal year shall remain in
 4 the fund. The monies in the fund shall be invested by the state treasurer in the same
 5 manner as monies in the state general fund. All interest earned on monies in the fund
 6 invested by the state treasurer shall be deposited in the fund.

7 B. Monies from the fund shall be appropriated and paid to the secretary at
 8 the beginning of each fiscal year to be distributed to the office of state fire marshal,
 9 code enforcement and building safety, and shall be used for the implementation of
 10 this Part.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____