

2024 Regular Session

SENATE BILL NO. 489

BY SENATOR CATHEY

STATE OFFICIALS. Provides for the duties of the State Fire Marshal. (8/1/24)

1 AN ACT  
2 To amend and reenact R.S. 17:407.62(7) and 407.66(A)(1) and R.S. 40:1563, 1563.2(A),  
3 1566.1, 1575(A) and (B), 1613, 1664.3(9), 1730.23(H) and (I), 1730.28(A)(1), and  
4 1730.39, to enact R.S. 40:1730.28(A)(9), and to repeal R.S. 40:1573.1, 1574, 1574.1,  
5 1577, 1578, 1578.1, 1578.2, 1578.3, 1578.4, 1578.5, 1578.6, 1578.7, 1579, 1580,  
6 1580.1, 1581, 1582, 1583, 1591, 1592, 1597.2, Subpart D-1 of Chapter 7 of Title 40  
7 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1641 through 1645,  
8 Subpart D-2 of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 40:1646 through 1646.3, 1664.17, 1730.23(J), and R.S. 40:1731,  
10 relative to the state fire marshal; to provide for powers, duties, and functions of the  
11 state fire marshal; to provide relative to fire prevention bureaus and its powers,  
12 duties, and functions; to provide for inspections and plan reviews; to provide relative  
13 to and the enforcement of the Louisiana Uniform Construction Code; to provide  
14 relative to terms, conditions, and procedures; and to provide for related matters.  
15 Be it enacted by the Legislature of Louisiana:  
16 Section 1. R.S. 17:407.62(7) and 407.66(A)(1) are hereby amended and reenacted  
17 to read as follows:

1 §407.62. Definitions

2 As used in this Part, the following terms have the following meanings unless  
3 the context clearly indicates otherwise:

4 \* \* \*

5 (7) "Office" means the office of state fire marshal **or fire prevention**  
6 **bureau.**

7 \* \* \*

8 §407.66. Fees

9 A.(1) The office of state fire marshal **or fire prevention bureau** shall have  
10 the authority to charge each family child care provider and in-home provider  
11 applying for registration or renewal of registration an annual fee for services. This  
12 fee shall be adopted in accordance with the Administrative Procedure Act.

13 \* \* \*

14 Section 2. R.S. 40:1563, 1563.2(A), 1566.1, 1575(A) and (B), 1613, 1664.3(9),  
15 1730.23(H) and (I), 1730.28(A)(1) and 1730.39 are hereby amended and reenacted and R.S.  
16 40:1730.28(A)(9) is hereby enacted to read as follows:

17 §1563. Powers and duties generally; use of deputies; responsibilities of local  
18 governing authorities with **or without** fire prevention bureaus; open  
19 structures and process structures; fees

20 A. The fire marshal shall take all steps necessary and proper to protect life  
21 and property from the hazards of fire and of panic which may arise from fire or from  
22 the threat of fire or explosion **as provided in this Part.**

23 B.**(1)** Except for those open structures and process structures as defined in  
24 Subsection ~~¶ I~~ of this Section, the fire marshal shall ~~supervise the following:~~ **enforce**  
25 **the fire protection provisions of the State Uniform Construction Code as**  
26 **adopted by the Louisiana State Uniform Construction Code Council when**  
27 **requested by a local governing authority. Unless contracted by a local**  
28 **government authority, the fire marshal shall not review construction plans for**  
29 **compliance with the International Building Code.**

1           ~~(1) The construction and maintenance of exits, including fire escapes, exit~~  
2 ~~doors, and emergency lighting.~~

3           ~~(2) The installation and operation of heating, air conditioning, and ventilating~~  
4 ~~systems~~ **The fire marshal shall not regulate one- and two-family dwellings and**  
5 **movables.**

6           ~~(3) The use of flammable materials for decorative purposes in places of~~  
7 ~~public assembly.~~

8           ~~(4) The inspection of all structures, except one- and two-family dwellings and~~  
9 ~~movables, for the purpose of reducing or eliminating fire hazards.~~

10           C.(1) The fire marshal shall not conduct or supervise inspections pursuant to  
11 the provisions of Paragraphs (B)(1); **and** (2); ~~(3)~~; ~~and~~ (4) of this Section within the  
12 jurisdiction of any local governing authority in which a fire prevention bureau has  
13 been properly established by special ordinance and accompanying resolution as  
14 provided in this Section, except as provided in Paragraph (5) of this Subsection.

15           (2) The local governing authority may properly establish a fire prevention  
16 bureau by special ordinance and accompanying resolution as provided in this Section  
17 and a fire prevention bureau thus established may apply for certification by the fire  
18 marshal to perform inspections ~~on behalf of the fire marshal~~ solely through adoption  
19 of the special ordinance which conforms to the following requirements which are  
20 applicable to existing fire prevention bureaus: **A fire prevention bureau**  
21 **established pursuant to Paragraph (1) of this Subsection shall:**

22           (a) The fire prevention bureau must be headed by a chief of a fire department  
23 or a person designated by the chief of a fire department.

24           (b) The fire prevention bureau shall be staffed with qualified individuals  
25 whose credentials have been reviewed by the fire marshal and who have successfully  
26 completed, according to criteria established by the fire marshal, special training in  
27 fire inspection and fire codes in a course approved by the fire marshal at the office  
28 of state fire marshal Fire and Emergency Training Academy or a course deemed  
29 equivalent or superseding by the fire marshal.

1                   (c) Enforce the fire protection provisions of the State Uniform  
 2                   Construction Code as adopted by the State Uniform Construction Code Council  
 3                   when requested by a local governing authority.

4                   (d) Requiring adoption as a minimum standard those codes as adopted and  
 5                   enforced by the state fire marshal.

6                   ~~(d) Requiring copies of inspection reports to be filed with the state fire~~  
 7                   ~~marshal's office on forms acceptable to the fire marshal.~~

8                   ~~(e) Requiring continuing education as necessary to maintain standing through~~  
 9                   ~~a training program recognized by the fire marshal.~~

10                  ~~(f) Recognizing the authority of the fire marshal to monitor the performance~~  
 11                  ~~of the fire prevention bureau in the performance of those functions which would~~  
 12                  ~~otherwise be performed by the fire marshal.~~

13                  ~~(3) The fire marshal shall revoke certification of a local fire prevention~~  
 14                  ~~bureau for cause, including but not limited to failure to submit reports of inspections~~  
 15                  ~~for six consecutive months, after notice and an administrative hearing, in accordance~~  
 16                  ~~with the Administrative Procedure Act.~~

17                  ~~(4)~~ The fire marshal shall remain responsible for all institutional occupancies  
 18                  requiring a state or federal license, detention, colleges, universities, state-owned and  
 19                  state-leased buildings, and schools where applicable, ~~and the applicable federal and~~  
 20                  ~~state life safety codes.~~ **The State Uniform Construction Code and the federally**  
 21                  **mandated regulations** shall be the codes applying to these facilities. Nothing  
 22                  contained herein **in this Section** shall limit the right of the local fire department to  
 23                  ~~consult with the fire marshal or otherwise restrict the authority of the local fire~~  
 24                  ~~department to conduct fire preplanning for any occupancy within its jurisdiction.~~  
 25                  **Nothing contained in this Section shall limit a local building code official or**  
 26                  **building code enforcement officer from enforcing the State Uniform**  
 27                  **Construction Code.**

28                  ~~(5)~~**(4)** The fire marshal shall not conduct or supervise inspections in all  
 29                  remaining matters where a fire prevention bureau is properly certified **exists** unless

1 specifically requested by the fire prevention bureau or the local governing body of  
 2 that jurisdiction or upon complaint of any citizen. The fire marshal may, at his  
 3 discretion, report any complaint received from a citizen to the appropriate fire  
 4 prevention bureau and the fire marshal may conduct a joint inspection with the fire  
 5 prevention bureau.

6 **(5) The state fire marshal, at his discretion, may audit a fire prevention**  
 7 **bureau's administration of R.S. 40:1730.28(9). The audit shall review the fire**  
 8 **prevention bureau's performance of building inspections and plan review of**  
 9 **structures other than one- and two-family dwellings. When the audit includes**  
 10 **the reinspection of a building, the inspection shall not deconstruct any building**  
 11 **element of the structure.**

12 (6) The monitoring function conferred upon the fire marshal by this Section  
 13 is solely intended to achieve the equal, effective enforcement of the state's adopted  
 14 fire protection, life safety, and accessibility laws, codes, rules, and regulations. It is  
 15 not intended that the fire marshal shall retain or assume responsibility or liability for  
 16 inspections performed by fire prevention bureaus. The local governing authority  
 17 shall, by specific resolution accompanying the ordinance creating the fire protection  
 18 bureau, assume the responsibility for and release the fire marshal and any other state  
 19 entity from responsibility or liability for those inspections performed by the fire  
 20 prevention bureau, or the consequences thereof, within the jurisdiction of the  
 21 governing authority.

22 D. For the purpose of this Part, a "fire prevention bureau" is defined as any  
 23 agency of a locally governed jurisdiction staffed by qualified individuals whose  
 24 qualifications ~~have been reviewed by the fire marshal~~ **meet the minimum**  
 25 **credentials and continuing education as required by R.S. 40:1730.22 and**  
 26 **administrative rules adopted pursuant thereto** whose responsibility it is under the  
 27 laws or ordinances of that locally governed jurisdiction to inspect structures,  
 28 watercraft, and movables for compliance with the appropriate fire code applicable  
 29 as provided in ~~R.S. 40:1578.6~~ **R.S. 40:1730.28**, and ~~equivalencies as determined by~~

1 the fire marshal pursuant to R.S. 40:1574(K) and to conduct investigations of fires  
2 in accordance with the provisions of R.S. 40:1566 and 1568:

3 E. ~~In the execution of the duties imposed upon him by this Part, the fire~~  
4 ~~marshal may designate any of his regular, salaried deputies to act for him except with~~  
5 ~~respect to matters of appeal from notices for the abatement of hazardous conditions,~~  
6 ~~as provided in R.S. 40:1577.~~

7 F. The fire marshal shall have the authority in order to carry out the purposes  
8 of this Part or any other law for which he is given responsibility for supervision or  
9 enforcement, including but not limited to R.S. 40:1561 et seq., ~~R.S. 49:148 et seq.,~~  
10 R.S. 51:650 et seq., and R.S. 51:911.21 et seq., to prepare, adopt, and promulgate  
11 rules and regulations in accordance with the Administrative Procedure Act, and he  
12 shall compile a written set of current rules and regulations setting forth state laws  
13 and regulations governing fire hazards and life safety requirements and shall  
14 distribute to building owners copies of such compilation upon request. He shall also  
15 have available copies of said regulations for release upon request of any interested  
16 person and copies of state laws and regulations shall be distributed to all fire fighting  
17 agencies within the state.

18 ~~G. (1)~~ **F. (1)** The fire marshal shall have authority to charge fees for conducting  
19 inspections, **and plan review** both as to ~~private persons,~~ **local governing**  
20 **authorities, federal agencies,** and the state. Such fees shall be designed to cover, but  
21 not exceed, the actual cost of the inspections. The inspection fee shall be based on  
22 the time required for the inspection multiplied by 2.5 times the average hourly pay  
23 rate for inspectors; provided however, all nonpublic elementary and secondary  
24 schools shall be exempt from the payment of such fees imposed ~~herein~~ **in this**  
25 **Section. The inspection fee for federal agencies shall be based on the contractual**  
26 **agreement with the federal agency.**

27 (2) As used in this Subsection, the following definitions shall apply:

28 (a) "Inspection" (INSP) means a survey of a single-story building, each floor  
29 of a multi-story building, or buildings having multiple occupancies or multiple

1 building additions separated by horizontal two-hour fire rated construction which  
2 require separate surveys.

3 (b) "Reinspection" (REINSP) means a follow-up to an inspection or final  
4 inspection to determine if proper remedial action was taken to correct deficiencies.

5 (c) "Final inspection" (FINAL INSP) means an inspection to determine if a  
6 new construction, renovation, remodeling, addition, or change of occupancy in  
7 accordance with R.S. 40:1574 is in compliance with applicable state laws and  
8 regulations.

9 ~~H.(1)~~**G.(1)** The fire marshal, in order to carry out the purposes of this Part or  
10 any other law for which he is given responsibility for supervision, enforcement,  
11 licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S.  
12 51:650 et seq., R.S. 51:911.21 et seq., and R.S. 40:1484.1 et seq., upon reasonable  
13 suspicion that a violation of the foregoing has occurred or is about to occur, shall  
14 have the authority to swear out and, upon issuance by a judge, execute search  
15 warrants.

16 (2) A court may issue search warrants on application of the fire marshal, in  
17 accordance with law, which warrant shall authorize the search for and seizure of  
18 anything within the territorial jurisdiction of the court in aid of the enforcement of  
19 the laws under the supervision, enforcement, licensure, or regulation of the office of  
20 fire marshal.

21 (3) The search warrant shall be directed to the fire marshal or his designated  
22 representative and shall describe the premises to be searched. The fire marshal or his  
23 designated representative to whom the warrant is directed shall make proper return  
24 thereon of the action taken on it and shall describe all property or records seized, if  
25 any. Any property or records seized shall be retained under the custody and control  
26 of the fire marshal or his designated representative until further order of the court or  
27 as may be provided by law.

28 ~~I.(1)~~**H.(1)** The fire marshal, in order to carry out the purposes of this Part or  
29 any other law for which he is given responsibility for supervision, enforcement,

1 licensure, or regulation, including but not limited to R.S. 40:1662.1 et seq., R.S.  
2 51:650 et seq., R.S. 51:911.21 et seq., and R.S. 40:1484.1 et seq., shall have the  
3 authority to request the issuance of subpoenas to compel the attendance of witnesses  
4 and the production of documents, papers, books, records, and other evidence before  
5 him in any matter over which he has jurisdiction.

6 (2) A court, upon application and acceptable presentation, may order a  
7 subpoena or subpoena duces tecum to be issued requiring a witness to appear before  
8 the fire marshal to give testimony or to produce evidence. Upon filing such order in  
9 the office of the clerk of the appropriate court, the clerk shall issue the subpoena or  
10 the subpoena duces tecum according to law.

11 (3) Punishment for failure to comply with a subpoena or a subpoena duces  
12 tecum, proof of service of which appears of record, shall be subject to the sanctions  
13 available by law to the issuing court.

14 ~~J.(1)~~**L.(1)** Process structures as defined ~~herein~~ **in this Section** shall conform  
15 to the requirements of the ~~National Fire Protection Association's Life Safety Code~~  
16 **International Code Council's International Building and International Fire**  
17 **Code's life safety provisions** as provided in ~~R.S. 40:1578.6~~ **R.S. 40:1730.28 (A)(1)**  
18 **and (9)**, except that stairs, guard rails, and hand rails shall comply with the  
19 applicable worker safety requirements of the Occupational Safety and Health  
20 Administration.

21 (2) "Open structure" means a structure that supports equipment and  
22 operations not enclosed within building walls, but which may include a roof or  
23 canopy, found in oil refining, chemical processing plants, power plants, pulp and  
24 paper mills.

25 (3) "Process structure" means a naturally ventilated structure enclosed within  
26 building walls whose primary function is to protect equipment from the environment  
27 in oil refining, chemical processing plants, power plants, pulp and paper mills, and  
28 which structure is normally not occupied.

29 ~~K.~~**J.** The fire marshal shall take steps that are necessary and proper to



1 perform services as required by the state emergency operations plan.

2 ~~L.(1)~~**K.(1)** The state fire marshal shall have the authority to conduct plan  
3 reviews for plans or specifications of a facility licensed, certified, or seeking  
4 licensure or certification by the Louisiana Department of Health.

5 (2) In consultation with the Louisiana Department of Health, the state fire  
6 marshal shall develop and promulgate rules in accordance with the Administrative  
7 Procedure Act to implement the provisions of this Subsection. The rules shall be  
8 applicable to both public and private entities.

9 ~~M.L.~~ The state fire marshal or his designee shall, as an approved third-party  
10 inspector by the Louisiana Gaming Control Board, have the authority to conduct  
11 inspections of a riverboat landside facility licensed or seeking licensure or  
12 certificates of compliance by the Louisiana Gaming Control Board pursuant to R.S.  
13 27:44.2.

14 ~~N.(1)~~**M.** The fire marshal or his designee **a fire prevention bureau** shall  
15 have the authority to require the owner or lessee of a structure that was in existence  
16 as of August 1, 2014, and is utilized as a hotel to install a carbon monoxide alarm  
17 system when ~~he determines~~ **it is determined**, as a result of a plan review,  
18 investigation, or inspection, that a carbon monoxide source within or attached to the  
19 building or structure poses a threat of carbon monoxide poisoning. The source of  
20 carbon monoxide may include but not be limited to an attached enclosed garage or  
21 fossil-fuel burning appliance or appliances.

22 (2) ~~For purposes of this Subsection, the following terms mean:~~

23 (a) ~~"Attached enclosed garage" means a structure or portion of a structure~~  
24 ~~without openings or openings on only one side that is used for the parking or storage~~  
25 ~~of private motor vehicles.~~

26 (b) ~~"Hotel" means a building or structure that was in existence as of August~~  
27 ~~1, 2014, which is utilized as a residential occupancy building containing sleeping~~  
28 ~~units where the occupants are primarily transient in nature, including boarding~~  
29 ~~houses, hotels, and motels.~~

1           ~~O.N.~~ The fire marshal shall take all steps necessary and proper to perform  
2 inspections as required by R.S. 40:2009.25.

3   \*        \*        \*

4 §1563.2. Inspection of family child care providers; inspection fees

5           A. The state fire marshal or ~~his designee~~ **a fire prevention bureau** shall  
6 inspect family child care providers as defined in R.S. 17:407.62.

7   \*        \*        \*

8 §1566.1. Fire safety inspection

9           When the fire marshal **or fire prevention bureau** directs the inspection of  
10 a building and the **fire** marshal or ~~his authorized agent~~ **fire prevention bureau** is  
11 refused permission to conduct such inspection, the **fire** marshal or ~~his authorized~~  
12 **agent fire prevention bureau** may petition the local district court to order that he  
13 be allowed to make such inspection. This order shall be granted immediately where  
14 the fire marshal **or fire prevention bureau** demonstrates an immediate need to  
15 inspect the premises to guarantee the safety and welfare of the public from any  
16 possible hazards. The owner and/or leasee shall be served with a petition to show  
17 cause why the inspection should not be conducted.

18   \*        \*        \*

19 §1575. Inspection of premises; orders for repair or removal of dangerous conditions

20           A. Upon complaint of any person or upon his own initiative when he thinks  
21 necessary, the fire marshal or ~~any of his authorized representatives~~ **fire prevention**  
22 **bureau** may inspect any structure, watercraft, or movable within the state except the  
23 interiors of private and one- or two-family dwellings.

24           B. Whenever the inspecting officer finds any such structure, watercraft, or  
25 movable, which, for any cause, is especially liable to fire or dangerous to life or  
26 which is so situated as to endanger other property or the occupants thereof, he shall  
27 order the dangerous materials removed, the condition of the premises remedied, or  
28 the premises razed. The occupant of the structure, watercraft, or movable shall not  
29 permit it to be used until the fire marshal **or fire prevention bureau** certifies that the

1 hazardous conditions have been eliminated.

2 \* \* \*

3 §1613. Tents; fire resistant

4 A. No person shall offer for sale or manufacture within this state, after  
5 January 1, 1975, any tent, regardless of the size or description thereof, unless such  
6 tent is made of a fire resistant material or has been treated to render it fire resistant.  
7 The fire marshal **or fire prevention bureau** may prescribe specific requirements to  
8 carry out the purpose of this ~~section~~ **Section**.

9 B. The fire marshal **or fire prevention bureau** shall be responsible for the  
10 enforcement of this ~~section~~ **Section**. Upon complaint of any person or upon his own  
11 initiative when he thinks necessary, the fire marshal or ~~any of his authorized~~  
12 **representatives fire prevention bureau** may inspect any tent being offered for sale  
13 or sold in this state or the premises of any establishment engaged in the manufacture  
14 of tents in this state for the purpose of determining compliance with this ~~section~~  
15 **Section**. Whenever the inspecting officer finds any incidence of noncompliance with  
16 this ~~section~~ **Section** he shall issue an appropriate order to assure compliance, to have  
17 the tents removed from the premise or to remedy the incidence of noncompliance in  
18 whatever manner he may deem appropriate.

19 C. Whoever fails to comply with an order of the fire marshal or **fire**  
20 **prevention bureau** under the provisions of this ~~section~~ **Section** shall be fined not  
21 more than five hundred dollars or imprisoned for not more than six months, or both.  
22 Each violation hereunder shall constitute a separate offense.

23 \* \* \*

24 §1664.3. Definitions

25 As used in this Subpart, the following terms have the meanings specified in  
26 this Section:

27 \* \* \*

28 (9) "Certify" means to attest to the proper functionality, inspection,  
29 installation, integration, programming, and service of life safety and property

1 protection systems and equipment in accordance with all applicable engineered  
2 specifications, manufacturer specifications, and submitted plans and per the  
3 inspection, testing and maintenance chapters as set forth in the applicable codes and  
4 their reference standards as adopted by the **Louisiana State Uniform Construction**  
5 **Code Council** ~~NFPA, ASME, ANSI, and ASCE codes, standards,~~ and manufacturer  
6 specifications.

7 \* \* \*

8 §1730.23. Enforcement of building codes by municipalities and parishes

9 \* \* \*

10 H. ~~A parish or municipality may accept determinations made by the state fire~~  
11 ~~marshal as they pertain to life safety and fire protection as required in this Part.~~

12 F. The building official for the parish, municipality, or regional planning  
13 commission, as authorized in R.S. 40:1730.24 and appointed pursuant to R.S.  
14 40:1730.25, or a qualified building code enforcement officer designated by the  
15 building official, shall have the authority to enforce the plumbing provisions adopted  
16 pursuant to this Part.

17 ~~J.~~ **I.** For purposes of code enforcement pursuant to this Section, a building  
18 code enforcement officer or a certified third-party provider shall conduct all  
19 inspections of any commercial or residential structure and for all inspections, other  
20 than roofing inspections, shall be present on site for such inspections. A building  
21 code enforcement officer or a certified third-party provider may accept photographs  
22 or videos that are location verified with geotagging for required roofing and  
23 reroofing inspections of any commercial or residential structure.

24 \* \* \*

25 §1730.28. Mandatory adoption of certain nationally recognized codes and standards  
26 as the state uniform construction code; adoption by reference

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

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

6 \* \* \*

7 **(9) International Fire Code.**

8 \* \* \*

9 §1730.39. Powers of state fire marshal

10 A.~~(1)~~ The state fire marshal may establish contract agreements with  
11 municipalities and parishes in order to provide code enforcement on behalf of the  
12 municipality or parish as provided in R.S. 40:1730.24 of this Part.

13 ~~(2)(a) The agreement may include a provision that permits the state fire~~  
14 ~~marshal to take into consideration practical and unreasonable economic hardships~~  
15 ~~before applying the strict requirements of this Part. Pursuant to the contractual~~  
16 ~~agreement with a municipality or parish executed in accordance with the provisions~~  
17 ~~of this Subsection and upon appeal of the professional of record for a plan review of~~  
18 ~~a structure, except one- or two-family dwellings, the state fire marshal may allow~~  
19 ~~alternative materials, design, and methods of construction and equipment that~~  
20 ~~comply with the provisions of the International Building Code, Chapter 1-Scope and~~  
21 ~~Administration, relative to alternative materials, design, and methods of construction~~  
22 ~~and equipment.~~

23 ~~(b) The state fire marshal may adopt, in accordance with the Administrative~~  
24 ~~Procedure Act, the provisions set forth in the International Building Code, Chapter~~  
25 ~~1-Scope and Administration, relative to alternative materials, design, and methods~~  
26 ~~of construction and equipment.~~

27 **B. The fire marshal shall enforce the fire protection provisions of the**  
28 **State Uniform Construction Code as provided in R.S. 40:1730.28 as adopted by**  
29 **the Louisiana State Uniform Construction Code Council in assembly**

1                   **occupancies with an occupant load greater than or equal to ten thousand**  
2                   **occupants.**

3                   ~~B. Nothing in this Part shall be construed so as to prevent the state fire~~  
4                   ~~marshal from enforcing the fire protection, life safety, accessibility, and high rise~~  
5                   ~~laws of this state, the enforcement of which are his statutory and regulatory~~  
6                   ~~responsibility.~~

7                   ~~C. Nothing in this Part shall be construed so as to prevent the state fire~~  
8                   ~~marshal from enforcing the Commercial Building Energy Conservation Code as~~  
9                   ~~provided in R.S. 40:1730.41 et seq.~~

10                  Section 3. R.S. 40:1573.1, 1574, 1574.1, 1577, 1578, 1578.1, 1578.2, 1578.3, 1578.4,  
11                  1578.5, 1578.6, 1578.7, 1579, 1580.1, 1583, 1591, 1592, 1597.2, Subpart D-1 of Chapter 7  
12                  of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1641 through  
13                  1645, Subpart D-2 of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950,  
14                  comprised of R.S. 40:1646 through 1646.3, 1664.17, 1730.23(J), 1733, 1734, 1735, 1736,  
15                  1737, 1738, 1740, 1741, 1742, 1742.1, 1742.2, 1743, and 1744 are hereby repealed.

16                  Section 4.(A) The Louisiana State Uniform Construction Code Council shall review,  
17                  adopt, and amend the International Fire Code on or prior to July 1, 2025.

18                  (B) Enforcement and administration of the International Fire Code shall become  
19                  effective January 1, 2026.

The original instrument was prepared by Xavier Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

	<b>DIGEST</b>	
SB 489 Engrossed	2024 Regular Session	Cathey

Present law defines "office" as the office of state fire marshal.

Proposed law retains present law and further adds the term "fire prevention bureau" to the definition of "office".

Present law provides that the office of state fire marshal shall have authority to charge each family child care provider and in-home provider applying for registration or renewal of registration an annual fee for services.

Proposed law retains present law and allows the fire prevention bureau to charge each family child care provider and in-home provider applying for registration or renewal of registration

an annual fee for services.

Present law provides that the fire marshal shall take steps to protect life and property from hazards or fire and panic which may arise from fire or from the threat of fire or explosion, except for open structures and process structures. Further provides that the fire marshal shall supervise the following:

- (1) Construction and maintenance of exits, including fire escapes, exit doors, and emergency lighting.
- (2) The installation and operation of heating, air conditioning, and ventilating systems.
- (3) The use of flammable materials for decorative purposes in places of public assembly.
- (4) The inspection of all structures, except one- and two-family dwellings and movables, for the purpose of reducing or eliminating fire hazards.

Proposed law retains the portion of present law that provides that the fire marshal shall take steps to protect life and property from hazards or fire and panic which may arise from fire or from the threat of fire or explosion, except for open structures and process structures. Further provides that the fire marshal shall supervise the enforcement of the State Uniform Construction Code fire protection provisions as adopted by the La. State Uniform Construction Code Council when requested by the local governing authority. Proposed law provides the fire marshal shall not review construction plans for compliance with the International Building Code unless the contract is with a local authority.

Proposed law removes other provisions of present law requiring supervision from the fire marshal.

Proposed law provides that the fire marshal shall not regulate one-and two-family dwellings and movables.

Present law provides that a local governing authority may properly establish a fire prevention bureau by special ordinance and accompanying resolution and a fire prevention bureau may apply for certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of the special ordinance which conforms to the following requirements which are applicable to existing fire prevention bureaus:

- (1) The fire prevention bureau must be headed by a chief of a fire department or a person designated by the chief of a fire department.
- (2) The fire prevention bureau shall be staffed with qualified individuals whose credential have been reviewed by the fire marshal and who have successfully completed, according to criteria established by the fire marshal, special training in fire inspection and fire codes in a course approved by the fire marshal at the office of state fire marshal Fire and Emergency Training Academy or a course deemed equivalent or superseding by the fire marshal.
- (3) Requiring adoption as a minimum standard those codes as adopted and enforced by the state fire marshal.
- (4) Requiring copies of inspection reports to be filed with the state fire marshal's office on forms acceptable to the fire marshal.
- (5) Requiring continuing education as necessary to maintain standing through a training program recognized by the fire marshal.
- (6) Recognizing the authority of the fire marshal to monitor the performance of the fire

prevention bureau in the performance of those functions which would otherwise be performed by the fire marshal.

Proposed law retains present law but adds the state fire marshal may audit a fire prevention bureau's administration of proposed law.

Present law provides that the fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and schools where applicable federal and state life safety codes shall be the codes applying to these facilities.

Proposed law retains present law except provides that the fire marshal shall remain responsible for all institutional occupancies requiring a state or federal license, detention, colleges, universities, state-owned and state-leased buildings, and schools where the State Uniform Construction Code and the federally mandated regulations shall be the codes applying to these facilities. Further provides that nothing contained in proposed law shall limit the local building code official or building code enforcement officer from enforcing the State Uniform Construction Code.

Present law provides that the fire marshal shall not conduct or supervise inspections in all remaining matters where a fire prevention bureau is properly certified unless specifically requested by the fire prevention bureau or the local governing body of that jurisdiction or upon a complaint by any citizen. Further provides that the fire marshal may report any complaint received from a citizen to the appropriate fire prevention bureau and the fire marshal may conduct a joint inspection with the fire prevention bureau.

Proposed law removes the requirement of the fire marshal to conduct or supervise an inspection based on the complaint of a citizen. Further removes the ability for the fire marshal to conduct a joint inspection with the fire prevention bureau.

Present law defines "fire prevention bureau".

Proposed law retains present law except expands the definition of "fire prevention bureau" to mean a locally governed jurisdiction staffed by qualified individuals whose qualifications meet the minimum credentials and continuing education as required by the La. State Uniform Construction Code Council.

Present law allows the fire marshal to designate any of his regular, salaried deputies to act for him with respect to matters of appeal from notices for the abatement of hazardous conditions.

Proposed law repeals present law.

Present law allows the fire marshal to charge fees for conducting inspections as a private person and the state. The inspection fee shall be designed to cover the cost of the inspections. The inspection fees shall be based on the time required for the inspection multiplied by 2.5 times the average hourly pay rate for inspectors, provided however, all nonpublic elementary and secondary schools shall be exempt from the payment of fees.

Proposed law retains present law and further provides that the inspection fee for federal agencies shall be based on the contractual agreement with the federal agency.

Present law defines the terms "attached enclosed garage" and "hotel".

Proposed law repeals present law.

Present law allows the fire marshal to petition the court when refused permission to conduct an inspection.



Proposed law retains present law and allows the fire prevention bureau the ability to petition the court when refused permission to conduct an inspection.

Present law provides that upon complaint of any person or upon his own initiative a fire marshal may inspect structures, watercrafts, or movables, except for interiors of private and one- or two-family dwellings.

Proposed law retains present law and further allows fire prevention bureaus to inspect structures, watercrafts, or movables, except for interiors of private and one- or two-family dwellings, upon complaint of any person or upon his own initiative.

Present law allows the fire marshal to inspect tents sold or manufactured after January 1, 1975, that are not made with fire resistant material or have not been treated to render them fire resistant.

Proposed law allows a fire prevention bureau to inspect tents pursuant to present law.

Present law defines "certify" as attesting to the proper functionality, inspection, installation, integration, programming, and service of life safety and property protection systems and equipment in accordance with all applicable engineered specifications, manufacturer specifications, and submitted plans and per the inspection, testing and maintenance chapters as set forth in the applicable codes and their reference standards as adopted by the NFPA, ASME, ANSI, and ASCE codes, standards, and manufacturer specifications.

Proposed law replaces standards adopted by specific code with standards adopted by the La. State Uniform Construction Code Council.

Present law provides relative to enforcement of building codes by municipalities and parishes and provides that a parish or municipality may accept determinations made by the state fire marshal as they pertain to life safety and fire protection as required in present law.

Proposed law repeals present law that gives the parish or municipality the ability to accept determinations made by the state fire marshal as they pertain to life safety and fire protection as required in present law.

Proposed law adds a requirement of the La. State Uniform Construction Code Council to evaluate, adopt, and amend only the latest editions of the International Fire Code.

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

Proposed law retains present law, but adds the fire marshal is required to enforce the fire protection provisions of the La. Uniform Construction Code as required by present law.

Present law provides that the contract agreement may include a provision that permits the state fire marshal to take into consideration practical and unreasonable economic hardships before applying the strict requirements of the State Uniform Construction Code.

Present law provides that pursuant to the contractual agreement with a municipality or parish and upon request of the professional of record for a plan review of a structure, except one- or two- family dwellings, the state fire marshal may allow alternative materials, designs, and methods of constructions and equipment that comply with the provisions of the International Building Code related to alternative materials, design, and methods of construction and equipment.

Present law provides that the state fire marshal may adopt, in accordance with Administrative Procedure Act, the provisions set forth in the International Building Code,

Part I-Administrative, relative to alternative materials, design, and methods of construction and equipment.

Proposed law repeals provisions of present law that provide relative to waivers for economic hardship or allow alternative materials, designs, and methods of construction and equipment.

Proposed law repeals present law (R.S. 40:1573.1) which provides for historic building renovations initiatives.

Proposed law repeals present law (R.S. 40:1574) which provides for construction or repair of structures.

Proposed law repeals present law (R.S. 40:1574.1) which provides for cost of handling plans.

Proposed law repeals present law (R.S. 40:1577) which provides for an appeal, made by a property owner or occupant, from an order made by one of the deputies or representatives of the fire marshal.

Proposed law repeals present law (R.S. 40:1578) which provides for compliance with orders made from a fire marshal or an authorized representative.

Proposed law repeals present law (R.S. 40:1578.1) which provides for the establishment of a board of review to evaluate alternatives to fire prevention or protection law and regulations established by the fire marshal.

Proposed law repeals present law (R.S. 40:1578.2) which provides for an appeal to the board.

Proposed law repeals present law (R.S. 40:1578.3) which provides for emergency closures during an appeal.

Proposed law repeals present law (R.S. 40:1578.4) which provides for procedures if an order is issued and no appeal is taken.

Proposed law repeals present law (R.S. 40:1578.5) which provides for appeals from decisions of the board of review.

Proposed law repeals present law (R.S. 40:1578.6) which provides for National Fire Protection Association's Life Safety Code, Southern Standard Building Code, applicability to high rise structures, and existing hazardous buildings.

Proposed law repeals present law (R.S. 40:1578.7) which provides for the adoption of the National Fire Prevention Code.

Proposed law repeals present law (R.S. 40:1579) which provides for ingress by firemen.

Proposed law repeals present law (R.S. 40:1583) which provides that no person shall bolt, lock, obstruct, or block any exit or any passageway to any structure, watercraft, or moveable during public assemblage.

Proposed law repeals present law (R.S. 40:1591) which provides for enforcement of present law by the enforcement personnel of the state fire marshal.

Proposed law repeals present law (R.S. 40:1592) which provides that application of present law insofar as it affect structures existing on or before July 28, 1948.

Proposed law repeals present law (R.S. 40:1597.2) which provides for safety of the persons utilizing and working with conveyance devices, as well as to promote safety awareness by

requiring conveyance device inspections by licensed elevator inspection.

Proposed law repeals present law (R.S. 40:1641) which provides for fire sprinkler systems in existing buildings.

Proposed law repeals present law (R.S. 40:1642) which defines the terms "fire protection sprinkler system", "existing high rise buildings", and "master plan".

Proposed law repeals present law (R.S. 40:1643) which provides for rules, regulations, and exceptions for fire protection sprinkler systems in existing high-rise buildings.

Proposed law repeals present law (R.S. 40:1644) which provides that no work shall begin until the plans and specifications have been submitted and reviewed by the fire marshal's office as required by present law. Further provided that there shall be a review charge assessed by the state fire marshal.

Proposed law repeals present law (R.S. 40:1645) which provides for criminal penalties for violating present law.

Proposed law repeals present law (R.S. 40:1646) which provides for that the fire marshal is authorized to cause the inspection, certification, and testing of all life safety systems and equipment in the state. Further provided for penalties and exceptions of life safety system equipment.

Proposed law repeals present law (R.S. 40:1646.1) allows employees of the fire marshal to conduct testing of life safety systems and equipment in the state.

Proposed law repeals present law (R.S. 40:1646.2) requires fire marshal to prepare and promulgate specifications establishing the size, shape, color, information, and data in all inspection and test reports of life safety systems and equipment in the state.

Proposed law repeals present law (R.S. 40:1646.3) which provides for procedures when the inspector determines that the fire sprinkler system is inoperative or deficient.

Proposed law repeals present law (R.S. 40:1664.17) which provides that a municipality or parish that has adopted and is enforcing a nationally recognized standard or code for conveyance devices may continue to enforce such standard or code, with no additional inspections required.

Proposed law repeals present law (R.S. 40:1733) which provides ADA accessibility standards.

Proposed law repeals present law (R.S. 40:1734) which provides 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.

Proposed law repeals present law (R.S. 40:1737) which provides for violations of present law and enforcement procedures by the fire marshal.

Proposed law repeals present law (R.S. 40:1738) which requires the fire marshal to review the plans and specifications for compliance with law before constructions begins.

Proposed law repeals present law (R.S. 40:1740) which provides enforcement procedures

when ADA Standards are not being complied with by the local building code authorities and health authorities.

Proposed law repeals present law (R.S. 40:1741) which provides an educational program by the Louisiana Rehabilitation Services and the fire marshal.

Proposed law repeals present law (R.S. 40:1742) which requires parking spaces for certain persons with disabilities.

Proposed law repeals present law (R.S. 40:1742.1) which provides fines for enforcement of accessible parking regulations.

Proposed law repeals present law (R.S. 40:1742.2) which provides local variances for accessible parking restrictions.

Proposed law repeals present law (R.S. 40:1743) which provides penalties for persons who are not in compliance with ADA standards.

Proposed law repeals present law (R.S. 40:1744) which provides nothing in present law shall be construed to relieve any person of his responsibility to comply the ADA.

Proposed law requires the La. State Uniform Construction Code Council to review, adopt, and amend the International Fire Code on or prior to July 1, 2025.

Proposed law requires the enforcement and administration of the International Fire Code shall become effective January 1, 2026.

Effective August 1, 2024.

(Amends R.S. 17:407.62(7), 407.66(A)(1), R.S. 40:1563, 1563.2(A), 1566.1, 1575(A) and (B), 1613, 1664.3(9), 1730.23(H) and (I), 1730.28(A)(1) and 1730.39; adds R.S. 40:1730.28(A)(9); repeals R.S. 40:1573.1, 1574, 1574.1, 1577, 1578, 1578.1, 1578.2, 1578.3, 1578.4, 1578.5, 1578.6, 1578.7, 1579, 1580.1, 1583, 1591, 1592, 1597.2, 1641-1646.3, 1664.17, 1730.23(J), and 1733-1744)

#### 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.