
DIGEST

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HB 799 Engrossed

2026 Regular Session

Fontenot

Abstract: Provides relative to boilers.

Present law provides for the regulation of boilers by the state fire marshal in present law (Title 23 of the Louisiana Revised Statutes of 1950).

Proposed law updates the language of these statutes to modern standards, and moves provisions to proposed law (Part III of Chapter 7 of Title 40).

Present law provides for the purposes and functions of offices within the Dept. of Public Safety and Corrections, including the office of state fire marshal.

Proposed law amends present law regarding the purpose and function of the office of state fire marshal to reflect the changes being made in proposed law but otherwise retains present law.

Present law provides for the Louisiana State Board of Boiler Examiners and its membership, powers, and duties, and provisions regarding examinations, certificates of competency, and revocation of certificates.

Proposed law repeals provisions of present law relative to the Louisiana State Board of Boiler Examiners.

Present law provides for the authority of the assistant secretary of office of state fire marshal to investigate and promulgate rules and regulations regarding construction, installation, repair, use, operation, and safety of boilers in this state.

Proposed law grants the authority to the state fire marshal and amends the language for greater clarity and readability but otherwise maintains the provisions of present law.

Present law provides that the fire marshal's rules and regulations conform as nearly as practicable to the boiler construction code of the American Society of Mechanical Engineers.

Proposed law provides that the fire marshal's rules and regulations shall conform to the boiler construction code of the American Society of Mechanical Engineers but otherwise maintains the provisions of present law.

Present law provides that the assistant secretary shall do the following:

- (1) Employ and compensate, with the approval of the governor, inspectors and other assistants and employees as he may deem necessary for the exercise of the powers and the performance of the duties prescribed in proposed law.
- (2) Have free access for himself or authorized representatives to any premises in the state where a boiler is being constructed, installed, or operated, for the purpose of ascertaining whether such boiler is built, repaired, installed, or operated in accordance with the provisions of proposed law.
- (3) Prosecute all violators of the provisions of proposed law.
- (4) Issue, suspend, or revoke inspection certificates allowing boilers to be operated, as provided in proposed law.
- (5) Draw upon the state treasurer for funds necessary to meet any expense authorized by this Part which, in addition to the salaries of employees, shall include necessary traveling expenses and the expenses incident to the maintenance of any offices required in the state.
- (6) Enforce the laws governing the use of boilers and to enforce the rules and regulations of the assistant secretary.
- (7) Keep a complete record of the type, dimensions, age, condition, pressure allowed upon, location, and date of the last inspection, of all boilers to which proposed law applies.

Proposed law provides that the fire marshal shall do all of the provisions provided in present law.

Present law provides that the assistant secretary may, upon the request of any company authorized to insure against loss from explosion of boilers in this state, appoint the boiler inspectors of the company as special inspectors, who shall serve at his pleasure, provided that each such inspector holds a certificate of competency as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors.

Present law provides that special inspectors shall inspect all boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of inspection fees required in present law. Each company employing such special inspectors shall, within thirty days following each annual internal inspection made by them, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

Proposed law provides that the fire marshal may license inspectors to inspect boilers in this state in accordance with the National Board Inspection Code published by the National Board of Boiler and Pressure Vessel Inspectors, the Controls and Safety Devices for Automatically Fired Boilers published by the American Society of Mechanical Engineers (ASME), and all applicable sections of the ASME codes.

Proposed law provides that licensed inspectors shall not be compensated by the state, and shall do all of the following:

- (1) Hold an in-service inspector's commission from the National Board of Boiler and Pressure Vessel Inspectors.
- (2) Maintain employment with a company both authorized by the fire marshal to inspect boilers in this state and accredited by the National Board of Boiler and Pressure Vessel Inspectors as an authorized inspection agency performing in-service inspection activities as published in NB-369.
- (3) For an insured boiler, inspect that boiler within thirty days of the expiration date on the operating certificate of that boiler, whether the inspector is employed by or under contract with the insurance company. However, for an uninsured boiler, or for a boiler with an operating certificate that has expired for more than thirty days, such a boiler may be inspected by any licensed inspector holding a current and valid inspector commission in this state.
- (4) Submit a report of every boiler inspection to the fire marshal within fifteen calendar days from the date of the inspection, unless otherwise approved by the fire marshal. Failure to submit the report within this time period may result in the fire marshal's rejection of the report.

Present law provides separate procedures for the appointment of boiler inspectors for the city of New Orleans.

Proposed law provides one procedure for the entire state.

Present law provides that the assistant secretary may:

- (1) Revoke inspector recognition for cause and only after an administrative hearing.
- (2) Monitor inspection activities by the special inspectors for the city of New Orleans.
- (3) Follow up on overdue repair reports with the New Orleans inspection agency.
- (4) Promulgate rules and regulations through the Administrative Procedure Act as may be deemed necessary for the implementation of the provisions of present law.

Proposed law provides that the fire marshal may do all of the following:

- (1) Revoke an inspector's license for cause and only after an administrative hearing.
- (2) Promulgate rules and regulations through the Administrative Procedure Act as may be deemed necessary for the implementation of the provisions of proposed law.

Present law provides for the inspection schedule for power boilers, high-pressure and high-temperature water boilers, stationary boilers, and low-pressure boilers.

Proposed law requires a written and signed statement by the owner or operator of a power boiler or a high-pressure, high-temperature water boiler affirming that the boiler is an integral part of or necessary adjunct to other continuous operations to apply for a 3 to 5 year extension of internal operating certificate inspection, but otherwise updates language and retains the provisions of present law.

Present law provides for inspection certificates, and fees of \$20 for the issuance of inspection certificate and \$40 for extensions of internal inspection, and \$200 for issuance of inspection certificate for a period not to exceed 5 years. Present law requires inspection certificates to be posted under glass in the room containing the boiler. In the case of a potable boiler, the certificate shall likewise be posted in a metal container fastened to a machine or tool box accompanying the boiler, and that no inspection certificate issued for a boiler inspected by a special inspector is valid after the boiler for which it was issued ceases to be insured by an authorized insurance company.

Proposed law provides that a \$150 fee shall be collected by the fire marshal for the issuance or reinstatement of any operating certificate and for any extension of internal inspection, and that the internal and external operating certificates shall be prominently posted on the boiler or in the room containing the boiler.

Present law provides that the assistant secretary may at any time suspend an inspection certificate if the boiler for which it was issued cannot be operated safely, and that the suspension of an inspection certificate shall continue in effect until the boiler has been made to conform to the rules and regulations of the assistant secretary governing the use of boilers, and until the inspection certificate has been reinstated.

Proposed law provides that the fire marshal or a licensed inspector may suspend an operating certificate when he reasonably believes the boiler for which it was issued cannot continue to be operated safely or in accordance with the fire marshal's rules and regulations. The suspension of an operating certificate continues in effect until the boiler has been made to conform to the fire marshal's rules and regulations regarding boilers and until the fire marshal has reinstated the operating certificate. If the fire marshal or a licensed inspector finds that a boiler is operating unsafely or that the boiler constitutes an imminent hazard, the licensed inspector shall immediately order the boiler to be shut down, and shall notify the fire marshal of his findings within twenty-four hours. Proposed law provides that any shutdown shall be carried out in accordance with applicable safety standards and established safe shutdown procedures, and shall be consistent with documented operating and safety procedures, including appropriate coordination, isolation of energy sources, and any required internal or external notifications.

Present law provides that the operation of a boiler without an inspection certificate, or at a pressure exceeding that specified in such inspection certificate constitutes a misdemeanor on the part of the owner, user, or operator thereof punishable by a fine of not less than \$25 nor more than \$500, or imprisonment for not less than 10 days, nor more than 90 days, or both. Each day of such unlawful

operation constitutes a separate offense.

Proposed law provides for a warning and civil penalty system as follows:

- (1) When the fire marshal or a licensed inspector finds that the owner has failed to comply with the provisions of proposed law, or receives a report from a licensed inspector that a boiler is not in compliance with applicable safety standards, he shall issue a written warning and order to have the boiler repaired and reinspected.
- (2) If the fire marshal finds that the owner has failed to comply with his warning, the fire marshal shall issue a second order and may impose a fine of no more than \$250 per day against the owner or operator for failure to comply with proposed law.

Present law provides that no boiler shall be installed after six months from the date upon which the rules and regulations formulated by the assistant secretary governing new installations shall have become effective, unless the boiler conforms to such rules and regulations and that boilers installed and ready for use, or being used, before the six months shall have elapsed, shall be made to conform to the rules and regulations of the assistant secretary governing existing installations, and the formulas therein prescribed shall be used in determining the maximum allowable working pressure therefor.

Proposed law updates language to modern standards but otherwise retains these provisions of present law.

Present law provides for which types of boilers are exempt from present law.

Proposed law retains the same provisions as present law.

Present law provides the following fee schedule for boiler inspections:

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| (1) | Potable-water boilers | \$ 15.00 |
| (2) | Heating boilers | \$ 35.00 |
| (3) | Power boilers | |

		Internal	External
(a)	100 sq. ft. or less		
	heating surface	\$ 20.00	\$ 50.00

(b)	Over 100 sq. ft. and not exceeding 1000 sq. ft. heating surface	\$ 35.00	\$75.00
(c)	Over 1000 sq. ft. heating surface	\$ 70.00	\$150.00 0
(4)	Electric boilers	\$ 30.00	\$50.00
(5)	Coil-type steam generators	\$ 50.00	
(6)	Special inspections		
(a)	\$300.00 and expenses for up to one-half day		\$ 250.00*
(b)	\$600.00 and expenses for one day		\$ 500.00*
(7)	Quality control program reviews		
(a)	Boiler and pressure vessel manufacturers and repair organizations		
(1)	\$250.00 and expenses for up to one-half day		
(2)	\$400.00 and expenses for one day		
(b)	Safety valve assembly and repair organizations		
(1)	\$250.00 and expenses for up to one-half day		
(2)	\$400.00 and expenses for one day		
(8)	Nuclear surveys		
(a)	\$250.00 and expenses for up to one-half day		
(b)	\$500.00 and expenses for one day		

Proposed law provides a fee of \$150 for any boiler inspection.

Present law provides that the manufacturer of a boiler or pressure vessel required by present law to be inspected shall pay to the assistant secretary an inspection fee for the ASME, or National Board of Boiler and Pressure Vessel Inspectors “Shop Reviews for Certificate of Authorization”, or both, in the amount of \$1500 per location review.

Proposed law repeals this shop review fee.

Present law further provides that provisions of present law are not applicable to commercial potable-water boilers of 50-gallon capacity or less.

Proposed law provides that provisions of proposed law do not apply to boilers with less than 120 gallons capacity or less than 200,000 BTU capacity.

Present law provides that the assistant secretary may in his discretion require any employee to furnish a bond conditioned upon the faithful performance of his duties and upon a true account of moneys handled by him. The cost of these bonds shall be paid by the assistant secretary as a necessary administrative expense.

Proposed law repeals this provision.

Present law provides that every person, firm, or corporation engaged in the installation, moving, or reinstallation of power boilers, steam heating, or hot water heating boilers in this state shall be licensed by the assistant secretary to perform such work.

Proposed law provides that any of this work shall be supervised by a licensed installer.

Present law provides that licensed installers or movers shall pay a \$75 annual license fee.

Proposed law provides for a \$100 fee for installer license issuance and a \$50 annual renewal fee.

Present law provides that every person, firm, or corporation shall pass a written examination administered by the chief boiler inspector before licensure.

Proposed law maintains this requirement but provides that a passing score is one of 70% or greater.

Present law provides for a \$50 exam fee.

Proposed law raises this fee to \$150.

Present law provides that when any boiler in this state, the city of New Orleans excepted, is to be installed, moved, or reinstalled, the installer must be licensed by the assistant secretary to perform such work and shall submit an application to the chief boiler inspector.

Proposed law removes the exception for the city of New Orleans and provides that the work be supervised by a licensed installer who shall submit a signed permit application to the fire marshal before beginning the work.

Present law provides the application shall list the location of the boiler, the date installation is to be completed, the trade name of the boiler, the type of boiler, and the manufacturer's and National Board's identifying number.

Proposed law maintains this requirement of present law.

Present law provides an installation or moving permit fee of \$25.

Proposed law raises this fee to \$150.

Present law provides that no boiler in this state, the city of New Orleans excepted, shall be installed, moved, or reinstalled without a permit issued to a licensed person by a chief boiler inspector.

Proposed law removes the exemption for the city of New Orleans.

Present law provides that whoever fails to comply with the provisions of present law regarding installation or moving boilers shall be fined not more than \$1000 or imprisoned for not more than one year, or both. Each violation hereunder shall constitute a separate offense.

Proposed law provides that there shall be a \$250 per day fine and removes the imprisonment penalty.

Present law provides that all inspection certificate and installation permit fees collected shall be used exclusively for the operation and maintenance of the boiler section within the office of the state fire marshal, code enforcement and building safety.

Proposed law provides that these fees shall be maintained for the operation and maintenance of the office of state fire marshal.

Effective Jan. 1, 2027.

(Amends R.S. 36:408(D)(1)(d); Adds R.S. 40:1664.21-1664.33; Repeals R.S. 23:41-49 and 531-546)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Provide that the fire marshal may license inspectors in accordance with current codes and standards published by the National Board of Boiler and Pressure Vessel Inspectors and the American Society of Mechanical Engineers.
3. Provide that a licensed inspector shall maintain employment with a company both authorized by the fire marshal to inspect boilers in this state and accredited by the National Board of Boiler and Pressure Vessel Inspectors as an authorized inspection agency performing inservice inspection activities as published in NB-369.
4. Provide for duties of a licensed inspector relative to insured boilers, uninsured boilers, and boilers with an operating certificate expired for more than 30 days.

5. Provide that any boiler shutdown ordered by the fire marshal or a licensed inspector be conducted in accordance with applicable safety standards and documented procedures.