

2026 Regular Session

HOUSE BILL NO. 864

BY REPRESENTATIVE KNOX

HIGHWAYS: Establishes a fire limit to prohibit the storage of flammable materials above ground beneath certain structures owned and operated by the state or municipality

1 AN ACT

2 To enact R.S. 33:4741.1, relative to the establishment of fire limits; to authorize a
3 municipality to prevent fires by establishing fire limits and prohibiting the storage,
4 placement, accumulation, abandonment, or use of flammable materials beneath
5 certain structures; to provide that any parish or municipality may authorize the use
6 of flammable, explosive, or combustible materials for certain events; to provide for
7 definitions; to provide for exceptions; to provide for penalties; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4741.1 is hereby enacted to read as follows:

11 §4741.1. Fire limits authorized; storage of flammable, explosive, and combustible
12 materials under structures

13 A. For the purposes of this Section, the following words shall have the
14 following meanings:

15 (1) "Combustible" means a material capable of producing a usually rapid
16 chemical process that creates heat and usually light.

17 (2) "Explosive" means any chemical compound mixture, or device, the
18 primary or common purpose of which is to function by explosion.

19 (3) "Flammable materials" means a material capable of being easily ignited
20 and burning quickly, including but not limited to candles, bonfires or open flames,
21 or any other flame-producing devices.

1 B. Any municipality in the state may provide for the prevention of fires by
 2 establishing fire limits and prohibiting the storage, placement, accumulation,
 3 abandonment, or use of flammable, explosive, or combustible material above ground
 4 within the right-of-way of a public bridge, overpass, viaduct, or tunnel.

5 C. Any parish or municipality in the state may authorize the use of
 6 flammable, explosive, or combustible materials for events permitted by the parish
 7 or municipality, provided that such permits or agreements are subject to all state and
 8 federal laws and regulations.

9 D. Any person who willfully and knowingly violates this Section or any rule,
 10 regulation, or order issued under this Section shall be deemed guilty of a
 11 misdemeanor, and, upon conviction, shall be subject for each offense to a fine of not
 12 more than one thousand dollars or imprisoned for not more than six months, or both,
 13 for each violation.

14 E. Nothing in this Section shall be construed to apply to infrastructure owned
 15 or operated by member-owned electric cooperatives or investor-owned utilities that
 16 are regulated by the Public Service Commission or the governing authority of the
 17 city of New Orleans.

18 F. Nothing in this Section shall prohibit temporary, attended activity
 19 involving approved equipment or materials when such activity is authorized under
 20 otherwise applicable law and complies with all applicable state, federal, parish,
 21 municipal, fire, health, traffic, public-safety, and right-of-way requirements.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 864 Reengrossed

2026 Regular Session

Knox

Abstract: Authorizes any municipality in the state to establish fire limits and prohibit the storage, placement, accumulation, abandonment, or use of flammable, explosive, or combustible materials within the right-of-way of certain public structures.

Proposed law provides for definitions as follows:

- (1) "Combustible" means a material capable of producing a usually rapid chemical process that creates heat and usually light.
- (2) "Explosive" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion.
- (3) "Flammable materials" means a material capable of being easily ignited and burning quickly, including but not limited to candles, bonfires or open flames, or any other flame-producing devices.

Proposed law authorizes any municipality in the state to establish fire limits and prohibit the storage placement, accumulation, abandonment, or use of flammable, explosive, or combustible materials within the right-of-way of a public bridge, overpass, viaduct, or tunnel.

Proposed law provides that any parish or municipality may authorize the use of flammable, explosive, or combustible materials for events permitted by the parish or municipality, provided the permits or agreements are subject to all state and federal laws and regulations.

Proposed law provides that any person who willfully and knowingly violates proposed law or any rule, regulation, or order issued under proposed law shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject for each offense to a fine of not more than \$1,000 or imprisoned for not more than six months, or both, for each violation.

Proposed law provides that proposed law shall not be construed to apply to infrastructure owned or operated by member-owned electric cooperatives or investor-owned utilities that are regulated by the Public Service Commission or the governing authority of the city of New Orleans.

Proposed law provides that nothing in proposed law shall prohibit temporary, attended activity involving approved equipment or materials when the activity is authorized under otherwise applicable law and complies with all applicable state, federal, parish, municipal, fire, health, traffic, public-safety, and right-of-way requirements.

(Adds R.S. 33:4741.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove authority for a municipality to establish fire limits and to prohibit the storage and use of flammable, explosive, or combustible material above ground within six feet or less beneath a bridge, overpass, viaduct, or tunnel owned by the state and operated by the municipality.
2. Add a provision that authorizes a municipality to establish fire limits and to prohibit the storage, placement, accumulation, abandonment, or use of flammable, explosive, or combustible material above ground within the right-of-way of a public bridge, overpass, viaduct, or tunnel.
3. Add a provision that provides that a parish may authorize the use of flammable, explosive, or combustible materials for events permitted by the parish.
4. Add a provision that provides that parish and municipal permits and other agreements that authorize the use of flammable, explosive, or combustible materials at events are subject to all state and federal laws and regulations.

5. Reduce the penalty for the violation of proposed law ~~from~~ \$1,500 ~~to~~ \$1,000 for each violation.
6. Exempt infrastructure owned or operated by member-owned electric cooperatives and investor-owned utilities that are regulated by the Public Service Commission or the governing authority of the city of New Orleans from the provisions of proposed law.
7. Add a provision that provides that proposed law shall not prohibit temporary, attended activity involving approved equipment or materials when the activity is authorized under otherwise applicable law and complies with state, federal, and local requirements.