

GREEN SHEET REDIGEST

HB 864

2026 Regular Session

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.

DIGEST

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 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the reengrossed bill

1. Remove imprisonment as a penalty for violations of proposed law.