

2026 Regular Session

HOUSE BILL NO. 799

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To amend and reenact R.S. 36:408(D)(1)(d) and to enact Subpart D-4 of Part III of Chapter  
3 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
4 40:1664.21 through 1664.33 and to repeal Part II of Chapter 1 of Title 23 of the  
5 Louisiana Revised Statutes of 1950, comprised of R.S. 23:41 through 49, and Part  
6 III of Chapter 5 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of  
7 R.S. 23:531 through 546, relative to the inspection of boilers; to establish the  
8 authority of the state fire marshal; to provide for rulemaking and regulatory  
9 authority; to provide for duties of the fire marshal; to provide for licensing of boiler  
10 inspectors; to provide for inspections of boilers; to provide for inspection certificates;  
11 to provide for fees; to provide for penalties; to provide boiler installation procedures;  
12 to provide for exemptions; to provide for examinations; to provide for an effective  
13 date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 36:408(D)(1)(d) is hereby amended and reenacted to read as follows:

16 §408. Offices; purposes and functions

17 \* \* \*

18 D.(1) The office of state fire marshal, code enforcement and building safety,  
19 shall perform generally the functions of the state relating to the protection of life and  
20 property from the hazards of fire and of panic which may arise from fire or from the  
21 threat of fire or explosion, including but not necessarily restricted to:

22 \* \* \*

23 (d) Exclusive power to investigate and to make and prescribe rules and  
24 regulations for the proper construction, installation, repair, use, operation, and safety  
25 of boilers in the state, ~~the city of New Orleans excepted~~ to license boiler inspectors,  
26 and to issue general or special orders for the enforcement of such rules and

1 regulations as well as any provision of law affecting boilers. The rules and  
2 regulations ~~so formulated~~ shall conform as ~~nearly as practicable~~ to the boiler  
3 construction code of the American Society of Mechanical Engineers, ~~and~~ as specified  
4 in ~~R.S. 23:531 through 542~~ Subpart D-4 of Part III of Chapter 7 of Title 40 of the  
5 Louisiana Revised Statutes of 1950.

6 \* \* \*

7 Section 2. Subpart D-4 of Part III of Chapter 7 of Title 40 of the Louisiana Revised  
8 Statutes of 1950, comprised of R.S. 40:1664.21 through 1664.33, is hereby enacted to read  
9 as follows:

10 SUBPART D-4. BOILERS

11 §1664.21. State fire marshal; authority to make rules; investigations

12 A. The state fire marshal has the exclusive power to investigate, and to  
13 promulgate rules and regulations, in accordance with the Administrative Procedure  
14 Act, for the proper construction, installation, repair, use, operation, and safety of  
15 boilers in this state and to issue orders for the enforcement of rules and regulations  
16 as well as any provisions of law affecting boilers.

17 B. The rules and regulations shall conform to the boiler construction code  
18 of the American Society of Mechanical Engineers (ASME). Boilers requiring  
19 ASME Code stamping by the owner, user, or fabricator in shop or field fabrication,  
20 assembly, modification, or repair shall be inspected in accordance with the ASME  
21 Code and national board standards.

22 §1664.22. Duties of fire marshal

23 The fire marshal may do all of the following:

24 (1) Employ and compensate, with the approval of the governor, inspectors  
25 and other assistants and employees as are necessary for the exercise of the powers  
26 and the performance of the duties prescribed in this Subpart.

27 (2) Have free access to any premises in the state where a boiler is being  
28 constructed, installed, or operated, for the purpose of investigating whether that  
29 boiler is built, repaired, installed, or operated in accordance with the provisions of  
30 this Subpart.

1                   (3) Prosecute all violators of the provisions of this Subpart.

2                   (4) Issue, suspend, or revoke installation permits for boilers and operating  
3                   certificates allowing boilers to be operated, as provided in this Subpart.

4                   (5) Draw upon the state treasurer for funds necessary to meet any expense  
5                   authorized by this Subpart which, in addition to the salaries of employees, shall  
6                   include necessary traveling expenses and the expenses incident to the maintenance  
7                   of any offices required in the state.

8                   (6) Enforce the laws governing the use of boilers and to enforce the rules and  
9                   regulations of the fire marshal.

10                  (7) Keep a complete record of the type, dimensions, age, condition, pressure  
11                  allowed upon, location, and date of the last inspection of all boilers to which this  
12                  Subpart applies.

13                  §1664.23. Licensed boiler inspectors

14                  A. The fire marshal may license inspectors to inspect boilers in this state in  
15                  accordance with all of the following:

16                   (1) The current edition of the National Board Inspection Code published by  
17                   the National Board of Boiler and Pressure Vessel Inspectors.

18                   (2) The current standards for Controls and Safety Devices for Automatically  
19                   Fired Boilers, also known as CSD-1, published by the American Society of  
20                   Mechanical Engineers (ASME).

21                   (3) All applicable sections of the ASME codes.

22                  B. A licensed inspector shall receive no salary from nor shall any of his  
23                  expenses be paid by the state except as provided in R.S. 40:1664.22(1). A licensed  
24                  inspector shall do all of the following:

25                   (1) Hold an inservice inspector's commission from the National Board of  
26                   Boiler and Pressure Vessel Inspectors.

27                   (2) Maintain employment with a company that is all of the following:

28                   (a) Accredited by the National Board of Boiler and Pressure Vessel  
29                   Inspectors as an authorized inspection agency performing inservice inspection  
30                   activities as published in NB-369.

1                   **(b) Authorized by the fire marshal to inspect boilers in this state.**

2                   **(3)(a) For an insured boiler, inspect that boiler within thirty days of the**  
 3 **expiration date on the operating certificate of that boiler, whether the inspector is**  
 4 **employed by or under contract with the insurance company.**

5                   **(b) For an uninsured boiler, or for a boiler with an operating certificate that**  
 6 **has been expired for more than thirty days, that boiler may be inspected by any**  
 7 **licensed inspector in this state holding a current and valid inservice inspector's**  
 8 **commission from the National Board of Boiler and Pressure Vessel Inspector.**

9                   **(4) Submit a report of every boiler inspection to the fire marshal within**  
 10 **fifteen calendar days from the date of the inspection, unless otherwise approved by**  
 11 **the fire marshal. Failure to submit the report within this time period may result in the**  
 12 **fire marshal's rejection of the report.**

13                   **C. The fire marshal may do all of the following:**

14                   **(1) Revoke an inspector's license for cause and only after an administrative**  
 15 **hearing.**

16                   **(2) Promulgate rules and regulations through the Administrative Procedure**  
 17 **Act as may be deemed necessary for the implementation of the provisions of this**  
 18 **Section.**

19                   **§1664.24. Inspection of boilers; periods; extensions**

20                   **A. An external inspection of each power boiler or high-temperature, high-**  
 21 **pressure water boiler in this state shall be conducted annually by a licensed boiler**  
 22 **inspector while the boiler is under normal operating conditions, except as provided**  
 23 **in R.S. 40:1664.27.**

24                   **B. An internal inspection of each power boiler or high-temperature, high-**  
 25 **pressure water boiler in this state shall be conducted annually by a licensed boiler**  
 26 **inspector, except as provided in R.S. 40:1664.27 or in this Subsection as follows:**

27                   **(1)(a) A power boiler, the operation of which is an integral part of or**  
 28 **necessary adjunct to other continuous operations, shall be inspected internally and**  
 29 **issued operating certificates at intervals as are permitted by planned or scheduled**  
 30 **shutdown of the processing operation of five days or more in duration occurring after**

1           three years have elapsed since the last inspection of the boiler, but not exceeding five  
2           years between such intervals.

3           (b) A power boiler shall undergo at least one internal inspection before the  
4           owner or operator may apply for a three to five year operating certificate extension.

5           (c) If the owner or operator of a power boiler submits a written and signed  
6           statement to the fire marshal affirming that the boiler is an integral part of or  
7           necessary adjunct to other continuous operations, the fire marshal may grant an  
8           extension of the interval between internal inspections of that boiler up to a maximum  
9           of five years.

10           (2) The fire marshal may extend the interval between internal inspections of  
11           stationary boilers for a period not to exceed twenty-four months and issue an  
12           operating certificate extension if the owner or operator of that boiler submits a  
13           written and signed statement to the fire marshal affirming the following:

14           (a) Continuous water treatment under competent and experienced  
15           supervision has been in effect since the last internal inspection for the purpose of  
16           controlling and limiting corrosion and deposits.

17           (b) Accurate and complete records are available showing that since the last  
18           internal inspection samples of boiler water have been taken at regular intervals not  
19           greater than twenty-four hours of operation and that the water condition in the boiler  
20           is satisfactorily controlled.

21           (c) Accurate and complete records are available showing the dates, if any,  
22           that the boiler has been out of service and the reasons for the service disruption since  
23           the last internal inspection, and such records shall include the nature of all repairs to  
24           the boiler, the reasons for those repairs, and by whom the repairs were made.

25           (d) The last internal and current external inspection of the boiler indicates  
26           the inspection period may be safely extended.

27           C.(1) Low-pressure boilers shall receive inspections in accordance with the  
28           following schedule:

29           (a) Steam or vapor boilers shall have an external inspection and an internal  
30           inspection every two years where construction permits.

1           (b) Hot water heating and hot water supply boilers shall have an external  
2           inspection every two years and where construction permits, an internal inspection at  
3           the discretion of the inspector.

4           (c) Potable water boilers shall have an external inspection every two years.

5           (2) Inspections shall include the functions of all controls and devices. If at  
6           any time a hydrostatic test is deemed necessary to determine the safety of a boiler,  
7           the test shall be made by a licensed inspector or at the discretion of the fire marshal.

8           §1664.25. Operating certificates; fees; issuance and suspension

9           A.(1) If, upon inspection, a boiler is found to be suitable and to conform to  
10           the rules and regulations of the fire marshal, the fire marshal shall issue to the owner  
11           or operator of that boiler an operating certificate specifying the maximum pressure  
12           which the boiler may be allowed to carry.

13           (2) A one hundred fifty dollar fee shall be collected by the fire marshal for  
14           the issuance or reinstatement of any operating certificate and for any extension of  
15           internal inspection.

16           (3) The internal and external operating certificates shall be prominently  
17           posted on the boiler or in the room containing the boiler.

18           B.(1) The fire marshal or a licensed inspector may suspend an operating  
19           certificate if he reasonably believes the boiler for which it was issued cannot  
20           continue to be operated safely or in accordance with the fire marshal's rules and  
21           regulations. The suspension of an operating certificate shall continue in effect until  
22           the boiler has been made to conform to the fire marshal's rules and regulations  
23           regarding boilers and until the fire marshal has reinstated the operating certificate.

24           (2) If the fire marshal or a licensed inspector finds that a boiler is operating  
25           unsafely or that the boiler constitutes an imminent hazard, the licensed inspector  
26           shall immediately order the boiler to be shut down, and shall notify the fire marshal  
27           of his findings within twenty-four hours. The shutdown shall be carried out in  
28           accordance with applicable safety standards and established safe shutdown  
29           procedures, and shall be consistent with documented operating and safety

1 procedures, including appropriate coordination, isolation of energy sources, and any  
2 required internal or external notifications.

3 C. The operating certificate fee provided for in this Section is intended to  
4 cover the cost of the issuance of those operating certificates and shall be retained and  
5 disbursed by the fire marshal.

6 §1664.26. Operation of boiler without operating certificate; penalty

7 A. The operation of a boiler without an operating certificate or with a  
8 suspended or expired operating certificate shall be penalized as follows:

9 (1) If the fire marshal or a licensed inspector finds that the owner has failed  
10 to comply with the provisions of this Section, or receives a report from a licensed  
11 inspector that a boiler is not in compliance with applicable safety standards, he shall  
12 issue a written order to the boiler's owner or operator to have the boiler brought into  
13 compliance with applicable safety standards and to have a satisfactory inspection  
14 conducted before the boiler may be returned to operation.

15 (2) If the fire marshal finds that the owner has failed to comply with his  
16 warning, the fire marshal shall issue a second order and may impose a fine of no  
17 more than two hundred fifty dollars per day against the owner or operator for failure  
18 to comply with this Section.

19 (3) The fire marshal may promulgate rules and regulations in accordance  
20 with the Administrative Procedure Act to implement provisions of this Section.

21 B. Each day of unlawful operation shall constitute a separate offense.

22 §1664.27. Installation of boilers

23 No boiler shall be installed after six months following the date on which the  
24 rules and regulations promulgated by the fire marshal governing new installations  
25 become effective unless that boiler conforms to the newly-promulgated rules and  
26 regulations.

27 §1664.28. Exemptions from provisions

28 A. The provisions of this Subpart shall not be construed as in any way  
29 preventing the use or sale of boilers which have been installed or in use in this state  
30 prior to July 7, 1938, and which have been made to conform to the rules and

1 regulations of the fire marshal governing existing installations, as provided in R.S.  
2 40:1664.26.

3 B. The provisions of this Subpart are not applicable to any of the following:

4 (1) Boilers subject to inspection by any department or agency of the federal  
5 government.

6 (2) Air tanks located on vehicles used for transporting passengers or freight.

7 (3) Boilers of steam fire engines brought into the state for temporary use in  
8 times of emergency.

9 (4) Portable boilers used for agricultural purposes only.

10 (5) Steam heating boilers carrying not more than fifteen pounds pressure  
11 used exclusively for noncommercial purposes located in any private home.

12 (6) Potable water boilers below one hundred twenty gallon capacity and less  
13 than two hundred thousand BTUs (British Thermal Units).

14 (7) Hot water heating and supply boilers used exclusively for  
15 noncommercial purposes located in any private home.

16 (8) Boilers located in any private home.

17 §1664.29. Fees for operating certificates

18 A. The owner or operator of a boiler required by this Subpart to be inspected  
19 by a licensed inspector shall pay to the fire marshal a fee of one hundred fifty dollars  
20 for every operating certificate.

21 B. Failure to pay operating certificate fees within thirty days following the  
22 date of the inspection may subject the owner, operator, or person requesting the  
23 special inspection to fines and penalties according to the fire marshal's rules and  
24 regulations.

25 C. The fees for inspection provided for in this Section are intended to defray  
26 the cost of employment of the office of state fire marshal and shall be retained and  
27 disbursed by the fire marshal for this purpose.

28 D. The provisions of this Section do not apply to commercial potable-water  
29 boilers of less than one hundred twenty gallons and two hundred thousand BTU  
30 capacity.

1           §1664.30. Installation, moving, or reinstallation of power boilers, steam heating,  
2           water supply, potable water, or hot water boilers; licensing; examination; fees

3           A. Any installation, moving, or reinstallation of power boilers, steam  
4           heating, water supply, potable water, or hot water heating boilers in this state shall  
5           be supervised by an installer licensed by the fire marshal to perform that work.

6           B. The initial fee for an installer license is one hundred dollars payable to  
7           the fire marshal prior to issuance of that license. The annual renewal fee for an  
8           installer's license is fifty dollars payable on or before January thirty-first of each  
9           year.

10          C. Each person applying to be licensed for the installation, moving, or  
11          reinstallation of power boilers, steam heating, water supply, potable water, or hot  
12          water heating boilers shall obtain a score of seventy percent or more on an  
13          examination administered by the fire marshal or his designated representative before  
14          an installer license is issued by the fire marshal.

15          D. The fee for the installer's license examination is one hundred fifty dollars,  
16          payable at the time of examination.

17          §1664.31. Application for installation, moving, or reinstallation of a boiler; fee

18          A. All boilers in this state shall be installed, moved, or reinstalled under the  
19          supervision of a licensed installer and that licensed installer shall submit a signed  
20          permit application to the fire marshal before the beginning of work. The application  
21          shall list all of the following:

22                  (1) The location of the boiler.

23                  (2) The date installation is to be completed.

24                  (3) The trade name of the boiler.

25                  (4) The type of boiler.

26                  (5) The manufacturer's and National Board's identifying number, and ASME  
27          Stamp.

28          B. This application for permit to install, move, or reinstall a boiler shall be  
29          accompanied by an installation permit fee of one hundred fifty dollars and shall be  
30          signed by the licensed installer.

1           §1664.32. Penalties

2                   No boiler in this state shall be installed, moved, or reinstalled without a  
3                   permit issued to a licensed installer by the fire marshal or his designated  
4                   representative. Whoever fails to comply with the provisions of R.S. 40:1664.30 and  
5                   1664.31 may be fined not more than two hundred fifty dollars per day.

6           §1664.33. Disposition of fees

7                   All fees collected pursuant to this Subpart shall be used exclusively for the  
8                   operation and maintenance of the office of the state fire marshal.

9           Section 3. Part II of Chapter 1 of Title 23 of the Louisiana Revised Statutes of 1950,  
10           comprised of R.S. 23:41 through 49, and Part III of Chapter 5 of Title 23 of the Louisiana  
11           Revised Statutes of 1950, comprised of R.S. 23:531 through 546, are hereby repealed in their  
12           entirety.

13           Section 4. This Act shall become effective on January 1, 2027.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_