

**ACT No. 881**

2026 Regular Session

HOUSE BILL NO. 1186

BY REPRESENTATIVE JACOB LANDRY

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AN ACT

To amend and reenact R.S. 15:587(A)(1)(a), R.S. 37:21(B)(introductory paragraph), R.S. 42:262(A), and R.S. 44:4(51) and 4.1(24), to enact R.S. 37:21(B)(12) and (13), Chapter 62 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3727 through 3750, and R.S. 44:4(65), and to repeal Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1730.21 through 1730.40.2, relative to the Louisiana Uniform Construction Code Commission; to provide legislative purpose; to provide for definitions; to create the Louisiana Uniform Construction Code Commission; to provide for the membership of the commission; to provide for per diem and travel reimbursement for members of the commission; to provide for powers of the commission; to provide for rulemaking authority; to provide authority to collect fees; to provide for duties of the commission; to provide for record-keeping; to provide for domicile of the commission; to provide for regular meetings of the commission; to provide procedures for commission meetings; to provide for adoption and amendment of a Uniform Construction Code; to provide for legislative oversight of the code; to provide for periodic review of the code; to provide for mandatory adoption of certain nationally-recognized codes; to provide for applicability of codes for building inspections; to provide for powers of the state fire marshal; to provide for enforcement of the code by municipalities and parishes; to exempt certain facilities from the code; to provide for injunctive relief for code violations; to provide for agreements by public entities relative to code enforcement; to provide for appointment of building officials; to provide relative to conflicts of interest of

1 inspectors; to provide for inspector license types and classifications; to provide for  
 2 application and renewal requirements and procedures for licenses; to provide for  
 3 public records exemptions; to provide for required disclosures by applicants; to  
 4 provide for licensing fees; to provide for disciplinary procedures; to provide for fines  
 5 and penalties to direct the Bureau of Criminal Identification and Information to  
 6 provide certain criminal history information to the commission; to exempt the  
 7 commission from certain limitations on disciplinary proceedings; and to provide for  
 8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted as follows:

11 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal  
 12 Identification and Information

13 A.(1)(a) The bureau shall make available upon request, or at other times as  
 14 the deputy secretary shall designate, to any eligible criminal justice agency and the  
 15 division of administration, office of technology services, the Department of  
 16 Education, the Louisiana Department of Health, the state fire marshal when  
 17 reviewing applications for licensure, the Louisiana Manufactured Housing  
 18 Commission when reviewing applications for licensure, the Department of Children  
 19 and Family Services, the Department of Insurance, the Louisiana State Racing  
 20 Commission, the Senate Committee on Senate and Governmental Affairs, the House  
 21 Committee on House and Governmental Affairs, the secretary of Louisiana Works  
 22 or his designee, the Board of River Port Pilot Commissioners and Examiners, the  
 23 Louisiana State Board of Home Inspectors, the Office of Financial Institutions in the  
 24 office of the governor, the office of the disciplinary counsel of the Louisiana  
 25 Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to  
 26 any licensed attorney this information shall be provided only after the issuance of a  
 27 formal charge against the attorney, the Louisiana Supreme Court Committee on Bar  
 28 Admissions, the municipal or parish department or personnel responsible for  
 29 reviewing applications for alcoholic beverage outlet permits, the Louisiana Uniform  
 30 Construction Code Commission, and the legislative auditor any information

1 contained in the criminal history record and identification files of the bureau. The  
2 Department of Children and Family Services may provide information secured  
3 pursuant to this Subsection to all federal and state agencies providing child support  
4 enforcement services.

5 \* \* \*

6 Section 2. R.S. 37:21(B)(introductory paragraph) is hereby amended and reenacted  
7 and R.S. 37:21(B)(12) and (13) and Chapter 62 of Title 37 of the Louisiana Revised Statutes  
8 of 1950, comprised of R.S. 37:3727 through 3750, are hereby enacted to read as follows:

9 §21. Limitations on disciplinary proceedings by professional or occupational boards  
10 and commissions

11 \* \* \*

12 B. The provisions of this Section ~~shall~~ do not apply to the following:

13 \* \* \*

14 (12) The Louisiana State Licensing Board for Contractors.

15 (13) The Louisiana Uniform Construction Code Commission.

16 \* \* \*

17 CHAPTER 62. BUILDING CODE ADOPTION & INSPECTOR LICENSING LAW

18 PART I. GENERAL

19 §3727. Purpose; legislative intent

20 The purpose of the legislature in enacting this Chapter is to maintain  
21 reasonable standards of construction in commercial and residential buildings and  
22 other structures in the state consistent with the public health, safety, and welfare of  
23 its citizens. This Chapter is enacted to enable this state to promulgate a Uniform  
24 Construction Code to govern the construction, reconstruction, alteration, and repair  
25 of commercial and residential buildings and other structures. The Uniform  
26 Construction Code is intended to establish uniform performance standards providing  
27 reasonable safeguards for health, safety, welfare, comfort, and security balanced with  
28 affordability for the residents of this state who are occupants and users of buildings,  
29 and will provide for the use of modern methods, devices, materials, and techniques.  
30 To secure these purposes, the Louisiana Uniform Construction Code Commission

1 shall license persons engaged in the enforcement of the Uniform Construction Code.  
2 The intent of the legislature is that the Louisiana Uniform Construction Code  
3 Commission shall monitor building construction projects to ensure compliance with  
4 the Uniform Construction Code and licensure requirements of this Chapter.

5 §3728. Definitions

6 As used in this Chapter, the following terms have the meanings ascribed to  
7 them in this Section, unless the context clearly indicates otherwise:

8 (1) "Applicant" means a person who is applying for a public inspector,  
9 private inspector, or private inspector company license with the commission.

10 (2) "Board" means the Louisiana State Licensing Board for Contractors.

11 (3) "Building inspector" means a person who performs building inspections  
12 and is responsible for the enforcement of the Uniform Construction Code when  
13 inspecting structures for compliance with the state building code, in accordance with  
14 the particular classification specified on his license issued by the commission.

15 (4) "Building official" means a licensed inspector holding a general  
16 classification who has been delegated authority by a senior official of a public entity  
17 to act with the highest level of authority delegated to that public entity regarding  
18 inspections for the enforcement of the Uniform Construction Code.

19 (5) "Commercial structure" means a building or facility primarily used for  
20 business, commerce, or professional activity, not including a building or facility used  
21 for a residential, agricultural, or industrial manufacturing purpose.

22 (6) "Commission" means the Louisiana Uniform Construction Code  
23 Commission.

24 (7) "Dwelling unit" means a single unit providing complete, independent  
25 living facilities for one or more persons, including permanent provisions for living,  
26 sleeping, eating, cooking, and sanitation.

27 (8) "Employee" means a worker whose employer deducts taxes from his  
28 wages and reports his annual earnings to the Internal Revenue Service using a W-2  
29 form.

1           (9) "Executive director" means the person appointed by the board to serve  
2           as the chief executive officer of the commission regarding day-to-day operations of  
3           commission business. The executive director may appoint or hire persons as  
4           authorized by this Chapter.

5           (10) "Familial relationship" means the following relatives of a person,  
6           including half- and step-relatives:

7           (a) Children and their spouses.

8           (b) Siblings and their spouses.

9           (c) Parents.

10          (d) Spouse.

11          (e) The parents of a spouse.

12          (f) Grandchildren and their spouses.

13          (11) "General license classification" means a category of classifications that  
14          allows a person to act as a building inspector and plans examiner for the enforcement  
15          of the Uniform Construction Code for any structure.

16          (12) "Inspector" means a person or entity who is responsible for the  
17          inspection and enforcement of the Uniform Construction Code. That person may be  
18          a public inspector or a private inspector. That person may act as a building inspector  
19          or plans examiner depending on the classification held by that person.

20          (13) "License" means any form of license the commission is authorized to  
21          issue in accordance with this Chapter.

22          (14) "Manufactured home" and "manufactured housing" mean a factory-built  
23          residential dwelling unit constructed to the standards and codes promulgated by the  
24          United States Department of Housing and Urban Development, pursuant to the  
25          National Manufactured Housing Construction and Safety Standards Act of 1974, 42  
26          U.S.C. 5401 et seq., as amended. The terms "manufactured home" and  
27          "manufactured housing" may be used interchangeably and apply to structures bearing  
28          the permanently affixed seal of the United States Department of Housing and Urban  
29          Development.

1           (15) "Modular home" and "modular housing" mean a factory-built residential  
2           dwelling unit, which is built off-site and transported in sections, constructed in  
3           accordance with the International Residential Code as adopted and amended by the  
4           commission, and is not a unit constructed according to standards of the United States  
5           Department of Housing and Urban Development.

6           (16) "Permit" means an official document issued by a municipal, local, or  
7           parish government authority for the construction, alteration, relocation, enlargement,  
8           replacement, repair, equipment, use and occupancy, location, maintenance, removal,  
9           or demolition of a building, structure, or any appurtenances connected or attached  
10           to such buildings or structures. A permit authorizes the performance of a specified  
11           activity and complies with the Uniform Construction Code and other regulations.

12           (17) "Person" means a natural or juridical person, whether or not acting as  
13           a principal, trustee, fiduciary, receiver, or any other kind of legal or personal  
14           representative of a person, or as a successor in interest, assignee, agent, factor,  
15           servant, employee, director, officer, or any other representative of a person, state or  
16           local governing authority, or political subdivision.

17           (18) "Plans examiner" means a person who performs plan review and is  
18           responsible for enforcement of the Uniform Construction Code when performing the  
19           inspection, examination, or review of construction documents for compliance based  
20           upon the license classification specified on his license issued by the commission.

21           (19) "Principal" means an owner, shareholder, or officer or director of a  
22           corporation; a member or manager of a limited liability company; a general partner  
23           of a partnership; a sole proprietor; a trustee; or a full-time employee with similar  
24           operational control or significant influence with respect to any person as determined  
25           by the commission.

26           (20) "Private inspector" means a person who enters into a contract or  
27           registers with a public entity, and is not a public employee of that public entity with  
28           which he is contracted or registered, to act in the capacity of an inspector or building  
29           official within the jurisdiction of that public entity. A private inspector may own,  
30           or be employed by, a private inspector company that is contracted or registered to

1 provide this service. A licensed private inspector is responsible for the enforcement  
2 of the Uniform Construction Code based upon the classification specified on his  
3 license issued by the commission.

4 (21) "Private inspector company" means a company, firm, partnership,  
5 corporation, limited liability company, limited liability partnership, or other legal  
6 business entity recognized by the law of this state, other than a governmental agency  
7 or an agency thereof, that enters into a contract or is registered with a public entity  
8 to provide one or more employees to act in the capacity of an inspector or building  
9 official within the jurisdiction of that public entity. A licensed private inspector  
10 company is responsible for the enforcement of the Uniform Construction Code based  
11 upon the classifications held by its licensed private inspectors, whether employed by  
12 or principals of that company.

13 (22) "Public employee" means an employee of a public entity.

14 (23) "Public entity" means a parish, municipal, or local governmental entity  
15 in this state, including its branches, departments, offices, agencies, boards,  
16 commissions, instrumentalities, officers, officials, employees, and political  
17 subdivisions and the departments, offices, agencies, boards, commissions,  
18 instrumentalities, officers, officials, and employees of that political subdivision.  
19 "Public entity" includes housing authorities, as defined in R.S. 40:384, and their  
20 commissioners and other officers and employees, and sewerage and water boards and  
21 their employees, servants, agents, or subcontractors.

22 (24) "Public inspector" means a public employee whose job duties include  
23 the enforcement of the Uniform Construction Code by acting as an inspector within  
24 the jurisdiction of the public entity that he is employed by. A licensed public  
25 inspector is responsible for the enforcement of the Uniform Construction Code based  
26 upon the classification specified on his license issued by the commission.

27 (25) "Residential structure" means a building or structure that is used  
28 primarily for occupancy by a person as a residence. These structures include but are  
29 not limited to single-family dwellings, duplexes that are not more than three floors

1 in height, and structures that are part of or adjacent to the building or structures to  
 2 be used as a residence.

3 (26) "Specialty license classification" means a category of classifications  
 4 limited in scope, whereby a person holding a specialty license classification may  
 5 only perform the scope of work specified by that specialty license classification.

6 (27) "Uniform Construction Code" means the nationally recognized codes  
 7 and standards that have been evaluated, adopted, and amended by the commission  
 8 and are enforced within this state.

9 §3729. Louisiana Uniform Construction Code Commission; membership;  
 10 qualifications; tenure; vacancies; term limits

11 A. The Louisiana Uniform Construction Code Commission is hereby created  
 12 within the office of the governor and shall consist of the following members listed  
 13 in Subsection B of this Section. Each member shall be of the full age of majority and  
 14 shall have been a resident of this state for five successive years preceding his  
 15 appointment.

16 B. The members shall be selected and appointed as follows:

17 (1) The fire marshal or his designee.

18 (2) Two licensed inspectors with the Louisiana Uniform Construction Code  
 19 Commission.

20 (3) One member who shall have the greater part of his professional  
 21 experience as a licensed electrician or licensed plumber.

22 (4) One member who shall have the greater part of his professional  
 23 experience as a licensed mechanical engineer.

24 (5) Two members, each of whom shall have had the greater part of his  
 25 professional experience as a licensed architect, one of whom shall be a member of  
 26 the American Institute of Architects of Louisiana.

27 (6) One member who shall have the greater part of his professional  
 28 experience as a licensed civil engineer specializing in structural engineering.

29 (7) One member representing the Louisiana Home Builders Association.

1                   (8) One member representing the Associated Builders and Contractors of  
 2                   Louisiana.

3                   (9) One member who shall have the greater part of his professional  
 4                   experience as a licensed residential contractor.

5                   (10) One member who shall have the greater part of his professional  
 6                   experience as a licensed commercial contractor and who is a member of the  
 7                   Louisiana Associated General Contractors.

8                   (11) One member who shall have the greater part of his professional  
 9                   experience in the insurance industry.

10                  (12) One member representing the Building Officials Association of  
 11                  Louisiana.

12                  (13) One member representing the Louisiana Building Code Alliance.

13                  (14) One member who shall have the greater part of his professional  
 14                  experience in the manufactured housing industry.

15                  (15) Two members at-large.

16                  C. With the exception of the fire marshal or his designee, who shall serve by  
 17                  virtue of his position, each member of the commission shall be appointed by the  
 18                  governor, subject to Senate confirmation, and shall serve at the pleasure of the  
 19                  governor. With the exception of the fire marshal or his designee, each term for a  
 20                  member of the commission is for four years, and a member shall serve no more than  
 21                  two consecutive terms.

22                  D. Each member of the commission shall be reimbursed for attendance at a  
 23                  commission meeting or when he is required to travel for the official authorized  
 24                  business of the commission an amount not more than seventy-five dollars per day  
 25                  plus actual expenses and mileage between his domicile and the place of meeting at  
 26                  the same rate of reimbursement set by the division of administration.

27                  E. A vacancy shall be filled within ninety days of the vacancy, by  
 28                  appointment of the governor in accordance with the criteria in Subsection B of this  
 29                  Section where the vacancy occurs.

1           F. The governor may remove a member of the commission for cause, or at  
2           the request of the chairman, for cause or for failure to attend more than half of the  
3           regularly scheduled meetings within a twelve-month period.

4           G. The members shall designate members to serve as chairman, vice  
5           chairman, secretary, and treasurer by majority vote.

6           §3730. Powers of the commission

7           A. The commission shall review and adopt the Uniform Construction Code  
8           published pursuant to the commission's rules and regulations, accept requests for  
9           amendment, and determine if amendment of the Uniform Construction Code is  
10           justified. If the commission determines that an amendment to the Uniform  
11           Construction Code is justified, the commission may enact that amendment after a  
12           finding on the record that the amendment provides a reasonable degree of public  
13           health, safety, affordability, and welfare. The commission shall adopt rules in  
14           accordance with the Administrative Procedure Act to implement the provisions of  
15           this Chapter.

16           B. The commission may issue, approve, suspend, and revoke licenses issued  
17           pursuant to the statutes and rules and regulations governing the commission. The  
18           commission shall hold public meetings to facilitate this power in accordance with the  
19           Administrative Procedure Act.

20           C.(1) The commission may enter into contracts for professional and legal  
21           services, open bank accounts to conduct its business, and enter into agreements with  
22           the board for the operation of the commission including reimbursement of the board  
23           for the use of the board's funds used to operate the commission. The executive  
24           director may use the board's funds for the operations of the commission.

25           (2)(a) In order for the commission to effectively fund its operations and  
26           perform its functions mandated by the legislature, the commission may collect a fee  
27           on any permits issued by a local government authority.

28           (b) This fee shall be no more than ten dollars per permit. A public entity  
29           responsible for collecting this fee shall not retain any portion of this fee. The fee

1 may be waived if the public entity waives the regular permit fees during a declared  
2 emergency, or when issuing a permit to itself or another governmental entity.

3 (c) A fee collected by a local government authority shall be remitted to the  
4 commission in accordance with the rules and regulations of the commission.

5 (d) The commission shall set the fee schedule for the upcoming calendar  
6 year by August first of the preceding calendar year.

7 (e) This administrative fee shall be assessed by the local government  
8 authority on each permit issued. The fee shall be collected by the local government  
9 authority and remitted to the commission. The amount of the fee shall be established  
10 annually by the commission and shall be in addition to all other applicable permit  
11 fees.

12 D. The commission is vested with the authority necessary to carry out the  
13 intent of the provisions of this Chapter. The commission shall promulgate rules and  
14 regulations for the proper administration and enforcement of this Chapter and to  
15 carry out the purpose of this Chapter, in accordance with the Administrative  
16 Procedure Act. The enumeration of specific matters which may be made, and the  
17 subject of rules and regulations, shall not be construed to limit general powers of the  
18 commission to make all rules and regulations necessary to effectuate this Chapter.

19 E. Any rules or regulations enacted by the commission shall be adopted and  
20 promulgated in accordance with the Administrative Procedure Act.

21 F. Any previously adopted bylaws of the commission are repealed.

22 G. The commission may create, modify, and repeal committees as needed  
23 to effectively and efficiently perform the functions of the commission.

24 H.(1) The commission may hire legal counsel as selected by the executive  
25 director and approved by the commission. All legal services for the commission are  
26 under the supervision, control, and authority of the attorney general, and no special  
27 attorney or counsel shall be employed to represent it except in accordance with the  
28 provisions of R.S. 42:262.

29 (2)(a) However, notwithstanding the provisions of Paragraph (1) of this  
30 Subsection and the provisions of R.S. 42:262, the commission may contract with

1 outside counsel or collection agencies on a contingency fee basis to enforce  
2 judgments that may arise pursuant to this Chapter.

3 (b) An attorney or collection agency selected pursuant to Subparagraph (a)  
4 of this Paragraph shall be selected following a request for proposals in accordance  
5 with Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950.

6 (c) A contingency fee contract entered into pursuant to this Paragraph shall  
7 require that all collected funds be deposited directly with the commission, and,  
8 thereafter, the contingency fee shall be paid by the commission to the collection  
9 agency or attorney.

10 I. The commission may sue and be sued and may obtain, in the jurisdiction  
11 in which a violation of the provisions of this Chapter occurs, upon submission of an  
12 affidavit in support, a temporary restraining order and preliminary and permanent  
13 injunctions, without the necessity of posting a bond or other security, restraining and  
14 prohibiting the violation of this Chapter and the performance of any work then being  
15 performed or about to be performed.

16 J. The commission and its members shall not be held personally liable for  
17 actions taken in good faith in the discharge of their responsibilities. The state shall  
18 hold the commission and its members harmless from all costs, damages, and attorney  
19 fees arising from claims and suits against them regarding matters to which that  
20 immunity applies.

21 K. In addition to any other duties and powers granted by this Chapter, the  
22 commission shall do all of the following:

23 (1) Grant licenses to qualified persons, and the commission may provide for  
24 training and education of licensed inspectors pursuant to this Chapter.

25 (2)(a) Hold hearings and proceedings in accordance with statutes governing  
26 the commission and the provisions of the Administrative Procedure Act to consider  
27 violations of the provisions of this Chapter and the rules and regulations of the  
28 commission.

29 (b) The commission shall retain special counsel to conduct disciplinary  
30 proceedings and prosecute violations at regular or special meetings whenever

1 deemed necessary, and may retain special hearing officers at the discretion of the  
2 commission. These proceedings shall be conducted in accordance with R.S. 49:975  
3 et seq. This provision does not limit special counsel to only matters of a disciplinary  
4 proceeding, however, the commission's general counsel will not be utilized for  
5 prosecuting cases.

6 (3) Suspend or revoke any license for any cause described in this Chapter,  
7 or for any cause prescribed by the rules and regulations and refuse to grant any  
8 license for any cause which would be grounds for revocation or suspension of a  
9 license.

10 (4) Issue fines, penalties, administrative costs as determined by the  
11 commission, and other costs for violations of the provisions of this Chapter and the  
12 rules and regulations of the commission.

13 (5) Publish and distribute materials containing such information as it deems  
14 proper to accomplish the purpose of this Chapter.

15 L.(1) If a possible violation is known to the commission, the commission  
16 may correct it or take appropriate action without formal complaint.

17 (2) If the commission receives a complaint that is based on a license or rules  
18 violation, or any provision of this Chapter, a proceeding shall not be initiated after  
19 five years from the date of the alleged act or omission giving rise to the complaint.  
20 This period is interrupted by the filing of a procedural motion, or suspended as  
21 provided in Paragraph (3) of this Subsection.

22 (3) The time period provided in Paragraph (2) of this Subsection is  
23 suspended during the pendency of a legal action involving the licensee as a party or  
24 witness if the complaint arises from the same facts giving rise to the legal action or  
25 arises from the licensee's activities in the legal action. For the purposes of this  
26 Subsection, "legal action" includes litigation, arbitration, mediation, administrative  
27 proceedings, or other disciplinary proceedings. This provision does not limit or  
28 prohibit the issuance of a summary suspension pursuant to R.S. 49:977.3 in the event  
29 the commission finds that public health, safety, or welfare requires emergency  
30 action.

1           M. Notwithstanding any other provisions to the contrary and to the extent  
2           deemed necessary or appropriate by the commission for the efficient implementation  
3           of its responsibilities in accordance with this Chapter, the commission may delegate  
4           its powers and duties by specific resolution of the commission.

5           N. The commission may consolidate, add, or remove license classifications  
6           or specialty and general license classifications by rule.

7           O. The commission shall have no employees. The board's staff may be  
8           utilized by the executive director to carry out the provisions of this Chapter and the  
9           commission's responsibilities.

10          §3731. Domicile; meetings; compensation; quorum; books and records; audit report

11           A.(1) The commission shall meet in the city of Baton Rouge, which place  
12           is fixed as the domicile of the commission.

13           (2) Meetings of the commission are subject to the Open Meetings Law, R.S.  
14           42:11 et seq.

15           (3) Unless otherwise provided by law, all meetings of the commission shall  
16           be conducted in accordance with Robert's Rules of Order.

17           B. The commission shall hold regular meetings in January, April, July, and  
18           October of each calendar year. The chairman may call special meetings of the  
19           commission as he deems necessary. The meeting time shall be designated by the  
20           chairman. Notice of commission meetings shall be posted on the commission's  
21           website and at the commission's office at least ten days prior to the date when the  
22           commission is to meet.

23           C. At least two days before the date a special meeting is held, notice of the  
24           time, place, and purpose of the meeting shall be sent by the chairman or vice  
25           chairman of the commission to the members of the commission by electronic means.

26           D. A majority of the members of the commission constitutes a quorum to  
27           conduct business.

28           E. There shall be no voting by proxy.

29           F. The treasurer is responsible for receiving and accounting for all money  
30           derived from the operation of this Chapter.

1           G. The commission shall maintain a roster showing the names and places of  
 2           business of all persons licensed by the commission. The roster shall be made  
 3           available on the commission's official website.

4           H. The secretary of the commission shall oversee and attest to the minutes  
 5           of each meeting. These minutes shall be made available to each commission  
 6           member and to the public upon adoption of those minutes at the next scheduled  
 7           meeting of the commission.

8           I. Within one hundred fifty days of the last day of each calendar year, a  
 9           certified public accounting firm approved by the state official charged with the  
 10           auditing of public records and accounts shall audit the financial records of the  
 11           commission, submit the report of its audit to the legislative auditor, and shall file a  
 12           copy of that audit with the secretary of state to be attached to the report of the  
 13           commission on file.

14           PART II. CODE ADOPTION AND ENFORCEMENT

15           §3732. Adoption and promulgation of certain building codes and standards as  
 16           Uniform Construction Code; procedures

17           A. Code review committees established by the commission shall advise,  
 18           review, and recommend amendment of the Uniform Construction Code to the  
 19           commission. The commission shall review and finalize the adoption and amendment  
 20           of the Uniform Construction Code, and promulgate changes to the Uniform  
 21           Construction Code, in accordance with all of the following:

22           (1) The commission shall promulgate rules and regulations to amend the  
 23           Uniform Construction Code in accordance with the provisions of the Administrative  
 24           Procedure Act.

25           (2)(a) The commission shall promulgate rules and regulations to adopt the  
 26           Uniform Construction Code in accordance with the Administrative Procedure Act.  
 27           Notwithstanding the provisions of R.S. 49:966(B)(12), the Senate Committee on  
 28           Commerce, Consumer Protection, and International Affairs; the Senate Committee  
 29           on Health and Welfare; the House Committee on Commerce; and the House

1            Committee on Health and Welfare have oversight of the initial adoption of the  
 2            Uniform Construction Code.

3            (b) The Senate Committee on Commerce, Consumer Protection, and  
 4            International Affairs and the House Committee on Commerce shall receive notice  
 5            of intent to amend the Uniform Construction Code and have oversight of any  
 6            amendment pursuant to the provisions of the Administrative Procedure Act.

7            (3)(a) The commission shall review, evaluate, and amend the codes within  
 8            the Uniform Construction Code no later than five years from the date of publication  
 9            of the appropriate code. The commission shall submit the amended Uniform  
 10           Construction Code to the House Committee on Commerce and the Senate Committee  
 11           on Commerce, Consumer Protection, and International Affairs for oversight and  
 12           approval. The commission shall provide each house of the legislature with a  
 13           summary of any major proposed amendments to the International Residential Code  
 14           at the time of submission to the oversight committees.

15           (b) The commission may suspend the five-year deadline in Subparagraph (a)  
 16           of this Paragraph for a period of up to one year in the event of a declaration of  
 17           disaster or emergency by the governor, or by the president of the United States, a  
 18           pandemic, or other acts of God.

19           (4) The commission shall, in accordance with the Administrative Procedure  
 20           Act, adopt or amend provisions of the Uniform Construction Code to satisfy any  
 21           requirement of a consent decree or order entered in a federal court of competent  
 22           jurisdiction relative to maintaining or building a public sewage system. These  
 23           provisions shall specify in which municipalities or parishes the rules and regulations  
 24           adopted pursuant to this Paragraph apply.

25           §3733. Mandatory adoption of certain nationally recognized codes and standards as  
 26           the State Uniform Construction Code; adoption by reference

27           A. The commission shall evaluate, adopt, and amend only the latest editions  
 28           of all of the following as the Uniform Construction Code:

29           (1) International Building Code (IBC), not including Chapter 1-Scope and  
 30           Administration, and Chapter 27-Electrical. The applicable standards referenced in

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1 that code are included for the regulation of construction within this state. The  
2 appendices of that code may be adopted as needed, but the specific appendix or  
3 appendices shall be referenced by name or letter designation at the time of adoption.

4 (2) International Existing Building Code (IEBC), not including Chapter 1-  
5 Scope and Administration. The applicable standards referenced in that code are  
6 included for the regulation of construction within this state. The appendices of that  
7 code may be adopted as needed, but any specific appendix or appendices shall be  
8 referenced by name or letter designation at the time of adoption.

9 (3) International Residential Code (IRC), not including Part I-  
10 Administrative, and Part VIII-Electrical. The applicable standards referenced in that  
11 code are included for the regulation of construction within this state. The  
12 commission shall not adopt or enforce any part of the International Residential Code  
13 or any other code or regulation that requires a fire protection sprinkler system in one-  
14 or two-family dwellings. A municipality or parish shall not adopt or enforce an  
15 ordinance or other regulation requiring a fire protection sprinkler system in one- or  
16 two-family dwellings.

17 (4) International Mechanical Code (IMC). The applicable standards  
18 referenced in that code are included for the regulation of construction within this  
19 state. The appendices of the code provided in this Paragraph may be adopted as  
20 needed, but any specific appendix or appendices shall be referenced by name or letter  
21 designation at the time of adoption.

22 (5) International Plumbing Code (IPC). The applicable standards referenced  
23 in that code are included for the regulation of construction within this state. The  
24 appendices of that code may be adopted as needed, but any specific appendix or  
25 appendices shall be referenced by name or letter designation at the time of adoption.

26 (6) International Fuel Gas Code (IFGC). The applicable standards referenced  
27 in that code are included for the regulation of construction within this state. The  
28 appendices of the code provided in this Paragraph may be adopted as needed, but any  
29 specific appendix or appendices shall be referenced by name or letter designation at  
30 the time of adoption.

1                   (7) International Energy Conservation Code (IECC) and all optional  
 2                   compliance paths contained therein, and the standards referenced in that code. The  
 3                   applicable standards referenced in that code are included for the regulation of  
 4                   construction within this state.

5                   (8) National Electrical Code (NEC).

6                   B. The initial code adopted by the commission pursuant to the provisions of  
 7                   this Part became effective on January 1, 2007.

8                   C.(1) The state health officer may provide the commission with  
 9                   recommended amendments to the plumbing provisions adopted pursuant to this  
 10                   Section. All recommended amendments provided to the commission by the state  
 11                   health officer shall be presented to the commission for review. The commission  
 12                   shall review recommended amendments and vote on whether or not to include those  
 13                   amendments as part of the Uniform Construction Code at the next regularly  
 14                   scheduled meeting of the commission, but no sooner than thirty days after receipt.

15                   (2) Nothing in this Section nor any provisions adopted pursuant to this  
 16                   Section shall lessen the licensing qualifications and requirements provided in R.S.  
 17                   37:1361 et seq.

18                   §3734. Codes applicable to building inspections

19                   Notwithstanding any other law to the contrary, a licensed inspector shall  
 20                   conduct a building inspection using the requirements of the codes in effect for the  
 21                   locality on the date of the application for the original building permit.

22                   §3735. Powers of state fire marshal

23                   A.(1) The state fire marshal may enter into an agreement by letter of intent  
 24                   with a public entity to enforce the Uniform Construction Code on behalf of a  
 25                   municipality or parish as provided in R.S. 37:3740.

26                   (2)(a) An agreement pursuant to Paragraph (1) of this Subsection may  
 27                   include a provision allowing the state fire marshal to take into consideration practical  
 28                   and unreasonable economic hardships before applying the strict requirements of this  
 29                   Chapter. Pursuant to a contractual agreement with a municipality or parish executed  
 30                   in accordance with the provisions of this Subsection and upon appeal of the

1           professional of record for a plan review of a structure, except one- or two-family  
 2           dwelling, the state fire marshal may allow alternative materials, design, and  
 3           methods of construction and equipment that comply with the provisions of the  
 4           International Building Code, Chapter 1-Scope and Administration, relative to  
 5           alternative materials, design, and methods of construction and equipment.

6                   (b) The state fire marshal may adopt, in accordance with the Administrative  
 7           Procedure Act, the provisions set forth in the International Building Code, Chapter  
 8           1-Scope and Administration, relative to alternative materials, design, and methods  
 9           of construction and equipment.

10                   B. Nothing in this Chapter prevents the state fire marshal from enforcing the  
 11           fire protection, life safety, accessibility, and high-rise laws of this state, the  
 12           enforcement of which is his statutory and regulatory responsibility.

13                   C. The fire marshal shall enforce the fire protection, egress, and accessibility  
 14           provisions of the Uniform Construction Code, excluding the provisions for one- and  
 15           two-family dwellings, with referenced standards as adopted by the commission in  
 16           accordance with R.S. 37:3733.

17           §3736. Municipalities and parishes; home rule charter

18                   A. Nothing in this Chapter shall conflict with the provisions of Article VI,  
 19           Sections 4 and 6 of the Constitution of Louisiana pertaining to the powers, functions,  
 20           and duties of local governments; the structure and organization of, or the particular  
 21           distribution and redistribution of the powers and functions of, any local government  
 22           operating pursuant to a home rule charter; or prohibit a local government from  
 23           adopting ordinances for the local administration of the construction code provided  
 24           for in this Chapter or for any procedures in connection with the local enforcement  
 25           of the provisions of this Chapter.

26                   B. In the enforcement of any provision of the construction code provided for  
 27           in this Chapter, if any provision of this Chapter conflicts with the provisions of a  
 28           home rule charter pertaining to the powers, functions, and duties of a local  
 29           government; or with the structure, organization, or distribution of the powers and

1 functions of that local government; the provisions of that home rule charter  
2 supersede the conflicting provisions of this Chapter.

3 §3737. Enforcement of the Uniform Construction Code by municipalities and  
4 parishes

5 A.(1) Notwithstanding any law to the contrary relating to the authority of  
6 local governments to enforce building codes, all municipalities and parishes in this  
7 state shall enforce only the Uniform Construction Code provided in this Chapter and  
8 as promulgated in the commission's rules and regulations. Licensed contractors, and  
9 homeowners exempted from the contractor licensing law pursuant to R.S. 37:2157,  
10 may establish agreements with private inspectors to conduct plan reviews,  
11 inspections, and enforce the State Uniform Construction Code. All public entities,  
12 licensed contractors, and homeowners shall use only inspectors licensed by the  
13 commission to enforce this Chapter. Enforcement procedures by licensed inspectors  
14 include examination or review of plans, drawings, or specifications; the conducting  
15 of inspections; and the issuance, denial, or revocation of permits. A local  
16 jurisdiction shall not accept an inspection report or plan review for the enforcement  
17 of the Uniform Construction Code from a private inspector unless that inspector has  
18 a contract to provide inspection services with that jurisdiction for which they are  
19 performing the inspection, or has registered with that jurisdiction. Nothing in this  
20 Chapter allows any local government to avoid enforcement, or to otherwise amend  
21 any of the mandatory construction code provisions required in this Chapter, or to  
22 prohibit licensed contractors or homeowners from using licensed private inspectors.

23 (2) To register with a jurisdiction, a private inspector shall provide that  
24 jurisdiction with his commission registration number, a copy of his professional  
25 liability insurance, and a list of the types of inspections he is certified to perform.  
26 The private inspector shall submit a report of each inspection performed to the  
27 proper jurisdiction. All inspection reports and plan reviews are subject to approval  
28 or denial, in writing, by the Certified Building Official of the jurisdiction based on  
29 the current adopted code.

1           (3) Each authority having jurisdiction shall make all public records  
2           pertaining to building permits available to registered private inspectors without the  
3           need for individual requests for information per permit.

4           (4) Any jurisdiction rejecting an inspection report provided by a registered  
5           private inspector shall provide a reason for the rejection in writing, and shall include  
6           the code reference that relates to any identified violation.

7           (5) Any person whose inspection report or plan review is denied by a local  
8           governing authority having jurisdiction may appeal such action through an appeal  
9           process established by that local governing authority.

10           B. Nothing in this Part shall conflict with the United States Department of  
11           Housing and Urban Development regulations regarding manufactured housing  
12           construction or the provisions of R.S. 51:912.21 et seq. related to manufactured  
13           housing installation. It is the intent of the legislature that any service, renovation,  
14           repair, or warranty work on a manufactured home is performed in accordance with  
15           the appropriate federal standards governing manufactured housing construction or  
16           state standards governing installation, and that all such work be subject to the  
17           authority of the commission. Any jurisdiction that collects a fee for the placement  
18           of manufactured housing shall confirm through inspection that the installation meets  
19           the requirements as set forth by the commission, and that all egress paths meet  
20           International Residential Code standards.

21           C. In connection with the construction of any building, structure, or other  
22           improvement to immovable property, neither the performance of any enforcement  
23           procedure nor any provision of Uniform Construction Code constitutes or is to be  
24           construed as a warranty or guarantee by a governmental enforcement agency as to  
25           durability or fitness, or as a warranty or guarantee by an inspector who contracts or  
26           registers with a municipality or parish as provided for in R.S. 37:3740, that a  
27           building, structure, or other improvement to immovable property or any materials,  
28           equipment, or method or type of construction used in that work is or will be free  
29           from defects, will perform in a particular manner, is fit for a particular purpose, or  
30           will last in any particular way. In the enforcement of any provision of the Uniform

1           Construction Code provided for in this Chapter, or of any regulations pursuant to  
2           R.S. 33:4771 et seq., the performance or nonperformance of any procedure by a  
3           governmental enforcement agency, contract employee, official, or inspector is a  
4           discretionary act and subject to the provisions of R.S. 9:2798.1.

5           D. Notwithstanding any law to the contrary, a municipality or parish shall  
6           not require that a residential building plan for a one- or two-family dwelling be  
7           prepared or stamped by a licensed architect or engineer if that dwelling falls within  
8           the prescriptive standards of the International Residential Code currently adopted in  
9           the Uniform Construction Code.

10           E.(1) Upon receipt of the certificate of occupancy issued by a local inspector  
11           for a new residential construction, a lender providing a residential mortgage loan for  
12           the purchase of that new residential construction shall file a copy of the certificate  
13           of occupancy in the conveyance records of the parish where that new residential  
14           construction is located. Failure of the lender to file that document in the local  
15           conveyance records does not invalidate the legal effects of any transaction related  
16           to that property, including but not limited to the construction, purchase, sale, or  
17           transfer of title of the new residential construction.

18           (2) The owner of the new residential construction shall provide the lender  
19           a copy of the certificate of occupancy.

20           (3) A lender that files a copy of the certificate of occupancy in the local  
21           conveyance records pursuant to the provisions of this Subsection may assess a  
22           reasonable charge to the borrower for all costs associated with the filing of that  
23           certificate, not to exceed the amount charged by that parish for filing those  
24           documents.

25           (4) If the provisions of this Chapter cease to be enforced by a parish, the  
26           provisions of this Section become null and void in that parish.

27           F. A public entity may accept determinations made by the state fire marshal  
28           as they pertain to life safety and fire protection as required in this Chapter.

29           G. The building official for the parish, municipality, or regional planning  
30           commission, as authorized pursuant to R.S. 37:3740 and appointed pursuant to R.S.

1           37:3741, or a properly-licensed inspector designated by that building official, shall  
2           enforce the plumbing provisions adopted pursuant to this Chapter.

3           H. For purposes of enforcement of the Uniform Construction Code pursuant  
4           to this Section, a properly-licensed inspector shall conduct all inspections of any  
5           commercial or residential structure, and be present on site for all inspections other  
6           than roofing inspections, reinspections where that inspector previously visited the  
7           site, and emergency utility reconnection inspections. The building official may  
8           accept photographs or videos that are location-verified with geotagging for required  
9           roofing or reroofing inspections of any commercial or residential structure,  
10           reinspections where the same inspector previously visited the site, and emergency  
11           utility reconnection inspections.

12           I. Any municipality or parish that issues a permit for construction pursuant  
13           to this Chapter shall do all of the following:

14           (1) Permit and inspect all buildings, other than one- and two-family  
15           dwelling, for roof construction and reroofing in compliance with the International  
16           Building Code Chapter 15 requirements as adopted and promulgated by the  
17           commission.

18           (2) Permit and inspect one- and two-family dwellings for roof construction  
19           and reroofing in compliance with the International Residential Code Chapters 8 and  
20           9 requirements as adopted and promulgated by the commission.

21           §3738. Exemptions relating to enforcement of Uniform Construction Code

22           A. Excluding the applicable requirements of the International Plumbing  
23           Code, the provisions of this Chapter do not apply to any construction or  
24           improvement inside the secured or fenced confines of industrial facilities that are  
25           engaged in activities classified as one or more of the following subsectors, industry  
26           groups, or industries of the 2012 North American Industry Classification System:

27           (1) 22111 electric power generation.

28           (2) 3211 saw mills and wood preservation.

29           (3) 322 paper manufacturing.

30           (4) 324 petroleum and coal products manufacturing.

- 1                    (5) 325 chemical manufacturing.
- 2                    (6) 326 plastics and rubber products manufacturing.
- 3                    (7) 331 primary metal manufacturing.
- 4                    (8) 562211 hazardous waste treatment and disposal.
- 5                    (9) 562212 solid waste landfill.
- 6                    (10) 424710 petroleum bulk stations and terminals.
- 7                    (11) 486110 pipeline transportation of crude oil.
- 8                    (12) 486910 pipeline transportation of refined petroleum products.
- 9                    (13) 482610 pipeline transportation of natural gas.
- 10                   (14) 486990 all other pipeline transportation.
- 11                   (15) 211112 natural gas liquid extraction.
- 12                   (16) 211 oil and gas extraction.
- 13                   (17) 3212 veneer, plywood, and engineered wood product manufacturing.
- 14                   (18) 486 pipeline transportation.
- 15                   (19) 213 support activities for mining.

16                   B.(1)(a) For the purposes of this Section, "farm structure" means a structure  
 17                   constructed on a farm, other than a residence or a structure attached to it, for use on  
 18                   the farm including but not limited to barns, sheds, and poultry houses but not public  
 19                   livestock areas. "Farm structure" does not include a structure originally qualifying  
 20                   as a farm structure, but later converted to another use.

21                   (b) For the purposes of this Section, "residential accessory structure" means  
 22                   a structure not exceeding two hundred square feet in footprint, and not attached to  
 23                   a residence, that is used as an accessory to the primary use of the residence, and not  
 24                   constructed in regions where the ultimate design windspeed required by the Uniform  
 25                   Construction Code, as promulgated by the commission, equal or exceed one hundred  
 26                   thirty miles per hour in hurricane-prone regions.

27                   (2) The governing authority of a parish or municipality shall not enforce that  
 28                   portion of the Uniform Construction Code which regulates the construction or  
 29                   improvement of a farm structure or private outdoor recreational structure, other than  
 30                   a residence or structure attached to a residence, such as a hunting or fishing camp or

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1           residential accessory structure. However, a municipality with a population in excess  
2           of forty-five thousand according to the latest federal decennial census may enforce  
3           that portion of the Uniform Construction Code which regulates the construction or  
4           improvement of a residential accessory structure.

5           (3) For residential or commercial construction, the standards published by  
6           the Federal Emergency Management Agency for the National Flood Insurance  
7           Program apply.

8           (4) The provisions of this Section do not affect the power of the governing  
9           authority of a parish or municipality to issue building permits for the construction or  
10          improvement of a farm or private outdoor recreational structure.

11          C. The provisions of this Chapter do not apply to the construction or  
12          improvement of any project totally owned by the federal government.

13          D.(1) The regulation of a utility provider's authority to operate and serve  
14          customers is a matter of statewide concern. No code, ordinance, land use restriction  
15          or general or specific plan provision or part of a code, ordinance, land use regulation  
16          or general or specific plan provision adopted by a parish or municipality may  
17          prohibit or restrict a person's or entity's ability to use the services of a utility provider  
18          that is capable and authorized to provide the utility service at a person's or entity's  
19          property.

20          (2) A parish or municipality shall not deny a permit application based on the  
21          utility provider proposed to provide utility service to the project.

22          (3) A parish or municipality issuing a building permit shall ensure that all  
23          applicable permits and associated fees assessed on a building permit applicant  
24          contain requirements and amounts that do not exceed the requirements and amounts  
25          for use of other utility providers and do not have the effect of restricting a permit  
26          applicant's ability to use the services of a utility provider that is capable and  
27          authorized to provide utility service.

28          (4) This Section does not prohibit a parish or municipality from recovering  
29          reasonable costs associated with reviewing a building permit, issuing a building  
30          permit, and performing inspections to verify code compliance.

1           (5) A parish or municipality shall not impose a fine, penalty, or other  
2           requirement that restricts a utility provider's authority to operate or serve customers.

3           (6) This Section does not affect the authority of a parish or municipality to  
4           manage the public highways within its boundaries, or to exercise its police powers  
5           to review and approve an application before issuing a permit to perform work in the  
6           public highways, or to enforce associated permit conditions.

7           (7) This Section does not affect the authority of a parish or municipality to  
8           manage or operate a publicly-owned utility.

9           (8) For the purposes of this Section, "utility service" means natural gas  
10          provided to an end user.

11          (9) The provisions of this Section apply notwithstanding any contrary  
12          provision of law.

13          E. Nothing in this Chapter or any provision adopted pursuant to this Chapter  
14          prohibits the Louisiana Department of Health from doing any of the following:

15               (1) Regulating stored water temperatures through enforcement of the  
16               Sanitary Code.

17               (2) Regulating medical gas and medical vacuum systems.

18          F. An order or consent decree relative to maintaining or building a public  
19          sewage system that is entered in a federal court of competent jurisdiction supersedes  
20          the plumbing provisions of this Part or plumbing provisions adopted pursuant to this  
21          Part.

22          G. Notwithstanding any provision of law to the contrary, all manufactured  
23          homes built to federal construction standards are subject only to the plumbing  
24          provisions in federal law. Manufactured homes are not subject to state plumbing  
25          regulations, whether the manufactured home is connected to a public or private  
26          sewer system. However, that connection shall be completed and maintained by a  
27          plumber licensed in this state.

28          H. State-owned buildings are not subject to local permitting, review, or  
29          oversight but are required to comply with the flood zone requirements of the  
30          National Flood Insurance Program in accordance with R.S. 40:1724.

1           §3739. Mandamus and injunctive relief for violation of code or regulation; penalties  
2                   For a violation of the Uniform Construction Code or a regulation adopted  
3           pursuant to this Chapter, the local building official may enjoin further construction  
4           of the project as provided by local ordinance. The municipal, district, or parish  
5           attorney, attorney general, or other appropriate authority of a political subdivision,  
6           in addition to other remedies, may apply for injunctive relief, mandamus, or other  
7           appropriate proceeding in the district court of the parish where the violation  
8           occurred.

9           §3740. Agreements with other governmental entities for provision of services;  
10           private agreements

11           A public entity may establish an agreement with another public entity of this  
12           state, or with a licensed private inspector, to issue permits and enforce the Uniform  
13           Construction Code in accordance with this Chapter. In the event of such an  
14           agreement, the maximum fees applicable to the issuance of permits and the  
15           enforcement of the code shall be established by the governing body of the public  
16           entity. A public entity that establishes an agreement with another public entity of  
17           this state, or with a licensed private inspector, to enforce the Uniform Construction  
18           Code shall not impose a fee for an inspection not performed by that municipality or  
19           parish if a fee for the inspection was collected by the public entity or the licensed  
20           private inspector that actually performed the inspection.

21           §3741. Appointment of building official or contractual arrangement for such  
22           services; affidavit for exemption

23           A public entity shall appoint a person to act as its building official to oversee  
24           the unincorporated area of the public entity. Only a licensed inspector holding a  
25           general license classification may be appointed to act as a building official of a  
26           public entity. A person shall not be appointed as a building official or inspector for  
27           that public entity if he has any interest in any legal entity that performs commercial  
28           or residential construction within the jurisdiction in which he would be appointed.  
29           Nothing in this Chapter prevents a municipality or parish from appointing and  
30           employing additional licensed inspectors necessary to perform the required

1 inspections and technical duties and prescribing fees for construction permits and  
 2 inspections as provided by law.

3 §3742. Conflicts of interest

4 A. A licensed private inspector shall not perform inspections on any project  
 5 in which that inspector has a direct or indirect financial interest. Nothing in this  
 6 Section prohibits a licensed private inspector from holding other professional  
 7 licenses, provided no conflict of interest exists with respect to a specific project.

8 B. A person acting as a licensed public inspector shall not act as a licensed  
 9 contractor with the board or as a licensed plumber with the State Plumbing Board  
 10 within the same jurisdiction in which he has authority, is employed by, or is  
 11 contracted to.

12 C. A staff member, agent, employee, or inspector of a public entity or of a  
 13 private inspection company shall not make a final decision on an administrative  
 14 decision required by this Chapter if the outcome of that decision would have a direct,  
 15 substantial, and readily identifiable financial impact on that staff member, or if the  
 16 applicant or other person subject to that decision is a person with whom the staff  
 17 member has a familial relationship, business, or other associational relationship. If  
 18 the person making that final decision has a conflict of interest pursuant to this  
 19 Section, that decision shall be assigned to his supervisor, or to another person as may  
 20 be designated by the development regulation or other ordinance. A person shall not  
 21 be financially interested in, or employed by a business that is financially interested  
 22 in a development subject to regulation pursuant to this Chapter unless that person is  
 23 the owner of the land or building involved. A person or other individual or an  
 24 employee of a company contracting with a public entity to provide staff support shall  
 25 not engage in any work that is inconsistent with his duties or with the interest of the  
 26 public entity, as determined by the public entity.

27 D. An employee or member of an inspection department shall not be  
 28 financially interested in, or employed by a business that is financially interested in,  
 29 the furnishing of labor, material, or appliances for the planning, specification,  
 30 construction, alteration, or maintenance of a building within the public entity's

1 planning and development regulation jurisdiction unless he is the owner of that  
 2 building. A member or other individual of an inspection department, or employee  
 3 of a company contracting with a public entity to conduct inspections, shall not  
 4 engage in work that is inconsistent with his duties or with the interest of the public  
 5 entity as determined by that public entity.

6 E. A licensed inspector shall comply with all provisions of the Code of  
 7 Governmental Ethics and any other applicable state ethics laws.

8 F. A licensed inspector performing an inspection on a building or structure  
 9 shall disclose a conflict of interest if that inspector has any of the following  
 10 characteristics:

11 (1) Owns any interest in the legal entity that constructed that structure or  
 12 receives any compensation as an inspector from the legal entity.

13 (2) Worked for the owner, developer, contractor, or project manager of the  
 14 project to be inspected within the last three years.

15 (3) A familial relationship to the owner, developer, contractor, or project  
 16 manager of the project to be inspected.

17 (4) A financial or business interest in the project to be inspected.

18 G. If a licensed inspector has a conflict of interest pursuant to this Section,  
 19 the inspection of the relevant building or structure shall be assigned to the supervisor  
 20 of that inspector or to another inspector designated by the public entity or private  
 21 inspector company.

22 PART III. LICENSING

23 §3743. License types, classifications, and general information

24 A. In accordance with R.S. 37:3730, the commission may issue the  
 25 following types of inspector licenses:

26 (1) Public Inspector.

27 (2) Private Inspector.

28 B.(1) A public inspector or private inspector may be classified in the  
 29 category of a general license classification or a specialty license classification.

1           (2) A licensee holding a general license classification is permitted to perform  
2           any work specified within a specialty license classification for any structure.  
3           "Certified Building Official", "Master Code Professional", "Louisiana Licensed  
4           Architect", and "Louisiana Licensed Engineer" are categorized as general license  
5           classifications.

6           C. An applicant for a general or specialty license classification is required  
7           to meet the relevant qualification requirements promulgated in the commission's  
8           rules and regulations in addition to all other licensing requirements pursuant to R.S.  
9           37:3744 prior to licensure.

10          D. An applicant for an inspector license shall meet the licensing  
11          requirements provided in R.S. 37:3744 to obtain that license. After those license  
12          requirements have been met, the license will be issued to the applicant, and the  
13          license shall state the inspector's license classification for which he has completed  
14          all of the relevant requirements. Following issuance of the license by the  
15          commission, the inspector shall do all of the following:

16               (1) Adhere to the license requirements during the license's active period  
17               pursuant to R.S. 37:3746.

18               (2) Perform only inspection work included in the license classification within  
19               which his license was issued.

20               (3) Conduct all transactions and perform work in the name that appears on  
21               both his current license and in the official records of the commission.

22               (4) Notify the commission of any change to the information provided on his  
23               application within thirty days of that change.

24           E. A licensee may request additions or changes to an existing license by  
25           application, and these changes become effective after that license successfully  
26           completes all relevant requirements, including any license classification requirement,  
27           and pays the required fee.

28           F. Pursuant to the provisions of this Chapter, license expiration and renewal  
29           procedures are as follows:

1           (1) An initial license and any subsequent renewal issued expires one year  
2           from the date on which the license was originally issued.

3           (2) A license expires on the last day of the period for which it was issued  
4           unless renewed. A person failing to make timely renewal of his license, which  
5           includes meeting all renewal requirements prior to the expiration of his license, is no  
6           longer licensed and shall not practice until licensed in accordance with this Chapter.

7           (3) A licensee is eligible for renewal of his license sixty days before the  
8           expiration of that license. If a licensee does not renew his license within one year of  
9           its expiration, his license is no longer eligible for renewal, and an application for a  
10           new license may be submitted, and upon approval, a new license shall be issued.

11           (4) After a license has expired, the licensee has fifteen days following the  
12           expiration date to apply for renewal without incurring a delinquent fee and a lapse  
13           in his licensure.

14           (5) The renewal of a license is based upon a determination made by the  
15           commission of the applicant's participation in continuing education programs. The  
16           commission shall promulgate regulations setting forth the continuing education  
17           requirements for inspectors.

18           G. A license issued pursuant to this Chapter is not transferable.

19           §3744. Application and renewal requirements

20           A. The licensing requirements for the inspector licenses include submission  
21           of all of the following:

22           (1) For initial licensure or renewal, a completed application on a form  
23           adopted by the commission. No application shall be considered from any state or  
24           local governmental body, including any agency of any state or local governmental  
25           body, or any corporation or other entity owned or controlled by a state or local  
26           governing body.

27           (2) Any identifying information required by the commission. An applicant  
28           for renewal shall verify his identifying information on record with the commission  
29           and provide updated information if a change occurs. An applicant for a license shall  
30           be a United States citizen or legal resident of the United States. All identifying

1 information and the applicant's answers to any background questions are subject to  
2 verification. Identifying information may include the following:

3 (a) Full legal name.

4 (b) Date of birth.

5 (c) Contact information, including physical address, phone number, and  
6 email address.

7 (d) Social security number, if the applicant is a citizen of the United States.

8 (e) Individual Taxpayer Identification Number, United States Citizenship  
9 and Immigration Services number, or Visa number, if the applicant is not a citizen  
10 of the United States.

11 (f) Employer identification number of a legal business entity, or if the  
12 business is a disregarded entity, the employer identification number of its parent  
13 company.

14 (3) For a private inspector company applicant, a financial statement on a  
15 form supplied by the commission. The financial statement and any information  
16 contained within, as well as any other financial information required to be submitted  
17 by a contractor, shall be confidential and not subject to the provisions of the Public  
18 Records Law, R.S. 44:1 et seq. The financial statement and its information shall  
19 contain all of the following:

20 (a) The name of the private inspector company.

21 (b) Information current to within twelve months of the date of filing the  
22 application.

23 (c) Proof of a net worth of at least ten thousand dollars, or the commission  
24 may allow an applicant to submit an irrevocable letter of credit in the amount of the  
25 net worth requirement plus the amount of the applicant's negative net worth, if any.

26 (d) Verification and signature by an accountant, bookkeeper, or certified  
27 public accountant, or in lieu of a signature by a certified public accountant on the  
28 commission's form, a current financial statement prepared by a certified public  
29 accountant may be attached.

1                   (e) Verification and signature by the applicant affirming all information is  
2                   true and correct.

3                   (4) For a private inspector applicant or for the principal of a private inspector  
4                   company applicant, information required by the commission for a background  
5                   investigation, including identification, criminal history, and financial history. The  
6                   commission may deny approval of an applicant or its principal for cause. The  
7                   background investigation shall include all of the following:

8                   (a) Fiduciary or monetary matters including but not limited to any  
9                   bankruptcy, judgment, insolvency, or lien.

10                  (b) Any criminal offense resulting in a conviction, guilty plea, or plea of nolo  
11                  contendere.

12                  (5) For a public inspector applicant, information required by the commission  
13                  for a background investigation, including identification and criminal history. The  
14                  commission may deny approval of a public inspector applicant for cause. The  
15                  background investigation shall be conducted in relation to any criminal offense  
16                  resulting in a conviction, guilty plea, or plea of nolo contendere.

17                  (6)(a) Professional liability insurance certificates evidencing a minimum  
18                  coverage amount of five hundred thousand dollars shall be submitted by private  
19                  inspector applicants for a private inspector company. There is no professional  
20                  insurance coverage requirement for licensure for public inspector applicants  
21                  employed by public entities.

22                  (b) Proof of insurance coverage shall be provided by an agent, broker, or  
23                  insurance company showing all of the following:

24                  (i) The name of the licensee.

25                  (ii) The name of the insurance company.

26                  (iii) The name and address of the insurance broker.

27                  (iv) The insurance policy number.

28                  (v) The beginning and ending insurance coverage dates. Coverage shall be  
29                  for a minimum of six months.

30                  (vi) No exclusions for the scope of work for which the licensee is licensed.

1           (vii) The commission listed as a certificate holder.

2           (c) Failure to maintain continuous professional liability insurance coverage  
3 during the active period of the license may be grounds for suspension or revocation  
4 of the license and other disciplinary action by the commission.

5           (7) Proof of business registration with the secretary of state. A license shall  
6 not be issued to a business entity that is not registered with the secretary of state or  
7 does not hold a certificate of authority to do business in good standing.

8           (8) Documentation to verify the identity of an applicant or to verify a  
9 business entity's formation, structure, and its current owners or principals. This may  
10 include a government-issued identification card, a government-issued driver's  
11 license, articles of incorporation, articles of organization, a certificate of formation,  
12 a partnership agreement, bylaws, an operating agreement, meeting minutes, and any  
13 amendments made to those documents.

14           (9) Any applicable fees, fines, or other sums due to the commission shall be  
15 paid in full.

16           B. A license shall not be issued to a business entity that operates as a trade  
17 name, assumed name, or a "doing-business-as" name. A license may only be issued  
18 to a legal business entity. Only the name of a legal business entity or the legal name  
19 of an individual shall be shown on the official records of the commission.

20           C. An applicant who provides any false statement, answer, or information  
21 may be rejected by the commission and a new application may be requested. If any  
22 false statement, answer, or information is discovered after a license has been issued,  
23 the commission may suspend that license and take other disciplinary action.

24           D. An initial license application is considered pending until all licensing  
25 requirements are met and the license is issued or denied by the commission. If an  
26 application remains pending for one year from the date of submission, the  
27 application is invalid.

28           E. Notwithstanding any other provision of law to the contrary, criminal  
29 background information in the possession of the board or the commission is  
30 confidential and shall not be disclosed to others outside of the agency except as

1           necessary for action on the application of the applicant. However, any such record  
2           may be released to the public in an administrative proceeding before the board or  
3           commission, and any final determination made by the board or commission relative  
4           to the fitness of any person to receive or to continue to hold a license issued by the  
5           board or commission and any legal grounds upon which such determination is based  
6           shall be a public record, as provided by R.S. 44:4(51)(a). This is not to be construed  
7           to interfere or with limit the jurisdiction and oversight of the legislative auditor or  
8           the inspector general. Criminal history records obtained from the Louisiana Bureau  
9           of Criminal Identification and Information shall be exempt from public disclosure  
10           pursuant to R.S. 44:3 and shall not be released publicly by the board or the  
11           commission.

12                   F.(1) An applicant denied licensure due to a background investigation may  
13                   appeal to the commission.

14                   (2) A denied applicant may request in writing a review of the denial by the  
15                   commission within thirty calendar days from receipt of the denial.

16                   (3) The commission shall review the denial at its next regularly scheduled  
17                   meeting and affirm or reverse the denial.

18                   (4) The person who requested the appeal shall be notified of the  
19                   commission's final decision in writing.

20                   (5) The commission shall provide written notice of any denial, suspension,  
21                   or revocation to the applicant within ten business days, including the specific  
22                   grounds for such action and notice of the right to appeal pursuant to the  
23                   Administrative Procedure Act.

24           §3745. Licensing fees

25                   A.(1) To defray the cost of issuing licenses and of administering the  
26                   provisions of this Chapter, the commission may set reasonable fees to be assessed  
27                   pursuant to the provisions of this Chapter, and reasonable penalties to be assessed for  
28                   late applications for renewal of licenses; however, the basic license fee shall be no  
29                   more than one hundred dollars, and the fee for additional classifications shall be a  
30                   lesser amount set by the commission.

1                   (2) All fees received by the commission in accordance with this Chapter  
2                   shall be solely used to effectuate the provisions of this Chapter.

3                   (3) All fees shall be paid prior to the issuance of a license or other changes  
4                   or additions to an existing license.

5                   (4) Any and all licensing fees for public inspectors are waived.

6                   B. Fees for licenses shall not exceed the following amounts:

7                   (1) Classification qualification research fee                   \$50.00

8                   (2) License fee   \$100.00

9                   (3) Renewal fee   \$100.00

10                  (4) Delinquent fee   \$25.00

11                  (5) Applicant investigative fee                                       \$50.00

12                  (6) Renewal investigative fee                                       \$50.00

13                  (7) Processing fee   \$25.00

14                  (8) Insurance lapse fee, first offense                             \$250.00

15                  (9) Insurance lapse fee, second or subsequent offense       \$500.00

16                  (10) Request for state license verification fee                   \$25.00

17                  (11) License reinstatement/reactivation fee                   \$250.00

18                  (12) Legal name change fee   \$25.00

19                  (13) Business structure change fee                               \$50.00

20                  §3746. Requirements of a licensee; record keeping; duty to report

21                   A.(1) A licensee has a duty to maintain and provide unredacted records to  
22                   the commission as it may require to ensure the licensee is in compliance with the  
23                   law. The licensee shall maintain these records for five years. A licensee shall  
24                   provide records upon request by the commission within five business days of receipt  
25                   of the request.

26                   (2) A licensee shall maintain on record with the commission current contact  
27                   information, such as legal name, mailing address, email address, phone numbers, or  
28                   any other required information. The licensee's email address on record with the  
29                   commission shall be used for official correspondence. Failure to maintain current  
30                   information with the commission may delay the issuance of a license, the timely

1 renewal of a license, or the receipt of updates to laws, rules, and regulations related  
2 to this industry.

3 (3) A licensee shall maintain all requirements for licensure, including but not  
4 limited to all of the following:

5 (a) Professional liability insurance without a lapse in coverage, pursuant to  
6 R.S. 37:3744.

7 (b) Classification requirements for any active classification held by the  
8 licensee. This includes any required certifications held with another agency, board,  
9 commission, council, organization, or with the International Code Council.

10 (c) Active status with the secretary of state if the private inspector is  
11 operating under a business name.

12 (4) A licensee shall provide written notification to the board within thirty  
13 calendar days of any of the following occurrences:

14 (a) A change to any information provided in the original application or in  
15 any amendment to that application, such as changes to his contact information,  
16 changes to his employment with a public entity or private inspector company, or  
17 changes to a private inspector company's ownership or business structure.

18 (b) A criminal, civil, or administrative action instituted or pending in another  
19 jurisdiction against or involving the licensee or a principal of the licensee.

20 B. Failure to comply with the provisions of this Section may result in  
21 disciplinary action by the commission pursuant to R.S. 37:3747.

22 PART IV. DISCIPLINARY MEASURES

23 §3747. Revocation and suspension of licenses; issuance of cease-and-desist orders;  
24 debarment; violations; penalty; criminal penalty

25 A. A person shall not act as an inspector unless that person holds an active  
26 inspector license in accordance with this Chapter. The commission may revoke,  
27 suspend, or refuse to renew a license; issue cease-and-desist orders to stop work;  
28 issue fines and penalties; or debar any person licensed pursuant to this Chapter for  
29 any of the following violations:

1           (1) Failing to comply with this Chapter or the commission's rules and  
2           regulations.

3           (2) Failing to continuously maintain the requirements for licensure.

4           (3) Undertaking, attempting to, submitting, offering to conduct, supervise,  
5           superintend, oversee, direct, or in any manner assume charge of the performance of  
6           building inspections as a building inspector, or the review or examination of  
7           construction documents as a plans examiner for the enforcement of the Uniform  
8           Construction Code, without possessing the required license or the required license  
9           classification.

10          (4) Performing a job for which a particular license classification is required  
11          when the licensee does not hold the relevant license classification for the majority  
12          of work performed.

13          (5) Passing inspections or approving work performed by a contractor for a  
14          construction project on a commercial or residential structure that is not in  
15          compliance with the Uniform Construction Code.

16          (6) Passing inspection or approving work performed by a contractor for a  
17          construction project on a commercial or residential structure when that contractor  
18          failed to obtain the proper permits and any other required documents from a parish,  
19          municipality, or public entity within its jurisdiction for that construction project.

20          (7) Passing inspection or approving work for a construction project on a  
21          commercial or residential structure where the scope of work being performed by a  
22          contractor has exceeded the scope of work permitted by the parish, municipality, or  
23          public entity within its jurisdiction.

24          (8) Passing inspection or approving work for a construction project on a  
25          commercial or residential structure where there is a conflict of interest as provided  
26          in R.S. 37:3742.

27          (9) Any effort to deceive or defraud the public.

28          (10) A dishonest or fraudulent act by a licensee which has caused damage  
29          to another, as adjudged by a court of competent jurisdiction.

1                   (11)(a) The following actions are violations of the authority of the  
2                   commission:

3                   (i) Enforcing a code requirement in an area or circumstance not specified in  
4                   that requirement.

5                   (ii) Enforcing a requirement in a manner that is more stringent than or  
6                   exceeding the code requirement.

7                   (iii) Refusing to implement or adhere to an interpretation of the Uniform  
8                   Construction Code issued by the commission.

9                   (iv) Enforcing a code official's preference in the method or manner of  
10                  installation if that preference is not required by the Uniform Construction Code or  
11                  contradicts a manufacturer's installation instructions or specifications.

12                  (b) The actions listed in Subparagraph (a) of this Paragraph are violations  
13                  regardless of whether that action results in a criminal conviction, guilty plea, or plea  
14                  of nolo contendere. A criminal conviction or plea for any of the actions listed in  
15                  Subparagraph (a) of this Paragraph shall independently constitute a violation and  
16                  grounds for disciplinary action. The commission may also find a violation through  
17                  its own administrative proceedings without a criminal conviction.

18                  (12) Making or filing a report or record that the licensee knows to be false,  
19                  or knowingly inducing another to file a false report or record, or knowingly failing  
20                  to file a report or record required by state or local law, or knowingly impeding or  
21                  obstructing such filing, or knowingly inducing another person to impede or obstruct  
22                  such filing.

23                  (13) Failing to properly enforce applicable building codes or permit  
24                  requirements within this state which the licensee knows are applicable, or  
25                  committing willful misconduct, gross negligence, gross misconduct, repeated  
26                  negligence, or negligence resulting in danger to life or property.

27                  (14) Issuing a building permit to a contractor, or any person representing  
28                  himself or herself as a contractor, without obtaining the contractor's license number  
29                  where such a license is required in accordance with R.S. 37:2150 et seq.

1           (15) Publishing, transmitting, distributing, or otherwise publicly circulating  
2           a misleading or false claim related to a person's license status or classification in any  
3           medium, including but not limited to digital platforms.

4           (16) Misrepresentation of fact by an applicant in obtaining a license;  
5           misrepresentation of fact by an applicant or licensee in providing information,  
6           statements, or documents to the commission; deception by omission; and providing  
7           false testimony to the commission.

8           (17)(a) Permitting a license to be used for any purpose by any person other  
9           than the person to whom the license is issued.

10          (b) Misrepresentation or fraudulent use of a license for any purpose by any  
11          person other than the person to whom the license is issued.

12          (18) A problem related to the ability of the inspector to enforce the Uniform  
13          Construction Code.

14          (19) Disqualification or debarment by any public entity.

15          (20)(a) Failing to provide a written notification to the commission of any  
16          change to the information provided in the original application or in any amendment  
17          within thirty calendar days.

18          (b) Failing to provide written notification to the commission of a criminal,  
19          civil, or administrative action instituted or pending in another jurisdiction against or  
20          involving the licensee or a principal of the licensee within thirty days.

21          (21)(a) Failing to provide a written report on each construction project  
22          relative to his duties as a licensed inspector for the enforcement of the Uniform  
23          Construction Code for compensation.

24          (b) Rendering, submitting, subscribing, or verifying false, deceptive,  
25          misleading, or unfounded opinions, inspections, reports, photographs, or any other  
26          documents relative to his duties as a licensed inspector for the enforcement of the  
27          Uniform Construction Code.

28          (22) Assisting a person to circumvent the provisions of this Chapter.

29          (23) Abandoning or failing to perform his duties as a licensed inspector,  
30          without justification.

1                   (24) Failing to contract or perform work in the name that appears on the  
 2                   current license and in the official records of the commission.

3                   (25) Failing to maintain and provide to the commission requested records,  
 4                   documents, or other information within five business days of receipt of the request.

5                   B. In the event of a revocation of a license, that license holder is ineligible  
 6                   to apply for a license for five years following that revocation. Upon a determination  
 7                   that a person has engaged in deceptive practices to meet the requirements for  
 8                   licensure, that person shall be ineligible for licensure for a period of five years.

9                   C. The commission may refuse to license any entity that has been debarred  
 10                   pursuant to R.S. 39:1672. The commission may hold a hearing for any licensee  
 11                   debarred pursuant to R.S. 39:1672 and suspend or revoke that license, order the  
 12                   licensee to discontinue all work as an inspector, or debar a person or licensee from  
 13                   acting as an inspector for any public entity for up to five years.

14                   D. Any party to the proceeding who is aggrieved by the action of the  
 15                   commission may appeal the decision in accordance with the Administrative  
 16                   Procedure Act.

17                   E. In accordance with the provisions of the Administrative Procedure Act,  
 18                   any person who applies for and is denied a license by the commission, or whose  
 19                   license has been revoked, rescinded, or suspended, may appeal to the Nineteenth  
 20                   Judicial District Court to determine whether the commission has abused its  
 21                   discretion.

22                   §3748. Local regulatory authority; permit offices; staff; building permits

23                   A. The commission or its designee, or the board or its designee, may inspect  
 24                   the list of building inspections and plans inspections performed by public or private  
 25                   inspectors in this state to verify that no person is working as an inspector without an  
 26                   active license. Upon request, parish and municipal permitting authorities shall  
 27                   provide the commission or its designee, or the board or its designee, all unredacted  
 28                   documents relating to inspections.

29                   B. The commission or its designee, or the board or its designee, may inspect  
 30                   the list of permits issued by each local building permit official in this state to verify

1 that no person is working as a contractor without an active license. Upon request,  
2 parish and municipal permitting authorities shall provide to the commission or its  
3 designee, or the board or its designee, any documents relating to building permits,  
4 applications, and inspections.

5 C. A local building department shall not issue a building permit to a person  
6 who does not hold an active license with the board with the appropriate classification  
7 for the scope of work for which the permit is issued. Nothing in this Section  
8 prohibits a local building department from issuing a permit for work that does not  
9 require a license pursuant to this Chapter.

10 D. The local building permit official shall require an applicant claiming an  
11 exemption for residential construction activities to submit an affidavit attesting to the  
12 claimed exemption. That affidavit shall be executed on a form provided by the board  
13 and submitted to the local building permit official prior to the issuance of a permit.  
14 The affidavit shall be included in the permit file of the local regulatory authority.

15 E. The provisions of this Chapter preempt any municipal or other local  
16 regulatory examination authority over licensees. If a governing authority or any  
17 municipality or parish finds that the state minimum standards do not meet its needs,  
18 the local government may with approval of the commission provide requirements  
19 more stringent than those specified by the state.

20 §3749. Engaging in business of inspecting without authority prohibited; penalty

21 A.(1) It is unlawful for any person to engage in or to continue in this state  
22 in the business of inspecting, or to act as an inspector as defined in this Chapter,  
23 unless he holds an active license as an inspector in accordance with this Chapter.

24 (2) It is unlawful for any inspector, licensed or unlicensed, to publish,  
25 transmit, distribute, or otherwise publicly circulate a misleading or false claim  
26 related to a person's license or classification in any medium, including but not  
27 limited to digital platforms.

28 B. It is sufficient for an indictment, information, or complaint to allege that  
29 the accused unlawfully engaged in business as an inspector without authority from  
30 the commission.

1                    C.(1) Any person found to be in violation of this Section shall be guilty of  
 2                    a misdemeanor offense and, upon conviction, shall be fined not more than five  
 3                    hundred dollars for each violation, or imprisoned for three months, or both.

4                    (2) Notwithstanding any action taken by the board, any person who does not  
 5                    possess a license from the board, violates any of the provisions of this Section, and  
 6                    causes harm or damage to another in excess of three hundred dollars, upon  
 7                    conviction, shall be fined not less than five hundred dollars nor more than five  
 8                    thousand dollars, or imprisoned, with or without hard labor, for not less than six  
 9                    months, or both.

10                    (3) Any fine assessed and collected in accordance with the provisions of this  
 11                    Section shall be remitted to the commission.

12                    D. The district attorney for the jurisdiction in which a violation occurs has  
 13                    sole authority to prosecute criminal actions pursuant to this Section.

14                    §3750. Violations; civil penalty; jurisdiction

15                    A. A private inspector or private inspector company that violates a provision  
 16                    of this Chapter shall, after notice and a hearing, be liable to the commission for a fine  
 17                    of no more than five thousand dollars for each offense. In addition to the fine, the  
 18                    commission may impose administrative costs and attorney fees for each offense. In  
 19                    determining the amount of the administrative penalty, the commission may consider  
 20                    the circumstances and seriousness of the violation, cooperation on the part of the  
 21                    inspector, and the history of previous violations.

22                    B. Any fine, administrative costs, or attorney fee assessed by the commission  
 23                    to a private inspector or a private inspector company shall be paid within ninety days  
 24                    unless otherwise provided by law. Failure to pay an outstanding penalty may be  
 25                    cause to suspend a license, deny issuance or renewal of a license, and may be subject  
 26                    to collection efforts as provided by law.

27                    C. In addition to or in lieu of the criminal penalties and administrative  
 28                    sanctions provided in this Chapter, the commission may issue an order to cease and  
 29                    desist to any person engaged in an activity, conduct, or practice constituting a

1 violation of this Chapter. The order shall be issued in the name of the state and  
2 under the official seal of the commission.

3 D. If the person to whom the commission directs a cease-and-desist order  
4 does not cease or desist the prohibited activity, conduct, or practice immediately, the  
5 commission may sue to enjoin the person or firm from engaging in any activity,  
6 conduct, or practice prohibited by this Chapter.

7 E. Upon proper showing by the commission that a person has engaged or is  
8 engaged in an activity, conduct, or practice prohibited by this Chapter, the court shall  
9 issue a temporary restraining order restraining that person or firm from engaging in  
10 that activity, conduct, or practice pending a hearing on a preliminary injunction. A  
11 permanent injunction may be issued after a hearing, commanding the cessation of  
12 that activity, conduct, or practice without the commission giving a bond. A  
13 temporary restraining order, preliminary injunction, or permanent injunction issued  
14 pursuant to the provisions of this Section is not subject to being released upon bond.

15 F. In a suit for an injunction, the commission may demand a penalty  
16 provided in Subsection A of this Section. A judgment for penalty, attorney fees, and  
17 costs may be rendered in the same judgment in which the injunction is made final.  
18 If the commission brings an action against a person pursuant to the provisions of this  
19 Section and fails to prove its case, then it shall be liable to that person for his  
20 attorney fees and court costs.

21 G. The trial of the proceeding for injunction shall be summary and by the  
22 judge without a jury.

23 H. Anyone violating this Chapter who fails to cease work after proper  
24 hearing and notification from the commission is not eligible to apply for an inspector  
25 license for a period up to one year from the date of the official notification to cease  
26 work.

27 I. Upon the expiration of the delays set forth in the Administrative Procedure  
28 Act for an aggrieved party to appeal a fine or penalty assessed by the commission,  
29 if an appeal has not been filed, the commission may initiate civil proceedings against  
30 the violating party seeking a judgment for the amount of the fine assessed, together



1 Section 4. R.S. 44:4(51) and 4.1(24) are hereby amended and reenacted and R.S.  
2 44:4(65) is hereby enacted to read as follows:

3 §4. Applicability

4 This Chapter shall not apply:

5 \* \* \*

6 (51)(a) To any records, writings, accounts, recordings, letters, exhibits,  
7 pictures, drawings, charts, photographs, memoranda, reports, examinations, or  
8 evaluations, or copies thereof, in the custody of the State Licensing Board for  
9 Contractors concerning the fitness of any person to receive or continue to hold a  
10 license issued by the board. However, any such record may be released to the public  
11 in an administrative proceeding before the board, and any final determination made  
12 by the board relative to the fitness of any person to receive or to continue to hold a  
13 license issued by the board and any legal grounds upon which such determination is  
14 based shall be a public record.

15 (b) To any records, writings, accounts, recordings, letters, exhibits, pictures,  
16 drawings, charts, photographs, memoranda, reports, examinations, or evaluations,  
17 or copies thereof, in the custody of the Louisiana State Licensing Board for  
18 Contractors or the Louisiana Uniform Construction Code Commission concerning  
19 the fitness of any person to receive or continue to hold a license issued by the  
20 commission. However, any such record may be released to the public in an  
21 administrative proceeding before the commission, and any final determination made  
22 by the commission relative to the fitness of any person to receive or to continue to  
23 hold a license issued by the commission and any legal grounds upon which such  
24 determination is based shall be a public record.

25 \* \* \*

26 (65) To any financial statement requested by the Louisiana Uniform  
27 Construction Code Commission in regard to a private inspector company application  
28 pursuant to R.S. 37:3744.

29 \* \* \*

30

1 §4.1. Exceptions

2 \* \* \*

3 B. The legislature further recognizes that there exist exceptions, exemptions,  
4 and limitations to the laws pertaining to public records throughout the revised  
5 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
6 limitations are hereby continued in effect by incorporation into this Chapter by  
7 citation:

8 \* \* \*

9 (24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 799, 920.1, 969.1,  
10 1123(E), 1249.1, 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518,  
11 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1, 3744

12 \* \* \*

13 Section 5. Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of  
14 1950, comprised of R.S. 40:1730.21 through 1730.40.2, is hereby repealed in its entirety.

15 Section 6. The Louisiana State Law Institute is hereby authorized and directed to  
16 to review all statutes being changed by this Act and in all locations it deems appropriate  
17 change "Louisiana State Uniform Construction Code Council" to "Louisiana Uniform  
18 Construction Code Commission".

19 Section 7. The provisions of R.S. 37:3730(C)(1) as enacted by Section 1 of this Act  
20 shall become effective on January 1, 2027.

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

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

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

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