

RÉSUMÉ DIGEST

ACT 842 (HB 799)

2026 Regular Session

Fontenot

Prior law provided for the regulation of boilers by the state fire marshal in prior law (Part III of Chapter 5 of Title 23 of the Louisiana Revised Statutes of 1950).

New law amends the language of these statutes and moves provisions to new law (Subpart D-4 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950).

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

New law amends existing law regarding the purpose and function of the office of state fire marshal and reflects the changes being made in new law.

Prior law provided for the La. State Bd. of Boiler Examiners and its membership, powers, and duties, and provisions regarding examinations, certificates of competency, and revocation of certificates.

New law repeals provisions of prior law relative to the La. State Bd. of Boiler Examiners.

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

New law repeals prior law and instead grants the authority outlined in prior law to the state fire marshal to take the same actions and removes reference to pressure vessels.

Prior law provided that rules and regulations conform as nearly as practicable to the boiler construction code of the American Society of Mechanical Engineers (ASME).

New law repeals prior law and instead requires the rules and regulations to conform to the boiler construction code of the ASME.

Prior law provided relative to the adoption, amendment, or repeal of regulations and the printing of laws, rules, and regulations.

New law repeals prior law.

Prior law provided that the assistant secretary shall do the following:

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

- (7) Keep a complete record of the type, dimensions, age, condition, pressure allowed upon, location, and date of the last inspection, of all boilers to which prior law applies.

New law repeals prior law and instead provides that the fire marshal may do all of the provisions listed in prior law and changes all references of prior law to new law.

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

Prior law provided that special inspectors shall inspect all boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of inspection fees required in prior law. Each company employing such special inspectors shall, within 30 days following each annual internal inspection made by them, file a report of such inspection with the assistant secretary upon appropriate forms as promulgated by the ASME.

New law repeals prior law.

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

New law provides that licensed inspectors shall not receive salary from or have expenses paid by the state, with exception, and shall do all of the following:

- (1) Hold an inservice inspector's commission from the National Board of Boiler and Pressure Vessel Inspectors.
- (2) Maintain employment with a company both authorized by the fire marshal to inspect boilers in this state and accredited by the National Board of Boiler and Pressure Vessel Inspectors as an authorized inspection agency performing in-service inspection activities as published in NB-369.
- (3) For an insured boiler, inspect that boiler within 30 days of the expiration date on the operating certificate of that boiler, whether the inspector is employed by or under contract with the insurance company. However, for an uninsured boiler, or for a boiler with an operating certificate that has expired for more than 30 days, that boiler may be inspected by any licensed inspector in this state holding a current and valid inservice inspector's commission from the National Board of Boiler and Pressure Vessel Inspectors.
- (4) Submit a report of every boiler inspection to the fire marshal within 15 calendar days from the date of the inspection, unless otherwise approved by the fire marshal.

Prior law provided separate procedures for the appointment of boiler inspectors for the city of New Orleans.

New law repeals prior law and instead provides procedures that apply to the entire state.

Prior law allowed the assistant secretary to:

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

New law repeals prior law and instead allows the fire marshal to do all of the following:

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

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

New law repeals prior law and instead provides for external and internal inspections of each power boiler or high temperature, high-pressure water boiler. Further provides for the inspection schedule for low-pressure boilers.

Prior law provided for inspection certificates, and fees of \$20 for the issuance of an inspection certificate, \$40 for extensions of internal inspection, and \$200 for issuance of an inspection certificate for a period not to exceed 5 years. Prior law provided for the posting of certificates and that no inspection certificate issued for a boiler inspected by a special inspector is valid after the boiler for which it was issued ceases to be insured by an authorized insurance company.

New law repeals prior law and instead provides that, upon inspection, the fire marshal shall issue to the owner or operator of that boiler an operating certificate specifying the maximum pressure which the boiler may be allowed to carry. Further provides that a \$150 fee shall be collected by the fire marshal for the issuance or reinstatement of any operating certificate and for any extension of internal inspection, and that the internal and external operating certificates shall be prominently posted on the boiler or in the room containing the boiler.

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

New law repeals prior law and instead allows the fire marshal or a licensed inspector to suspend an operating certificate when he reasonably believes the boiler for which it was issued cannot continue to be operated safely or in accordance with rules and regulations. The suspension of an operating certificate continues in effect until the boiler has been made to conform to the fire marshal's rules and regulations regarding boilers and the fire marshal has reinstated the operating certificate.

New law provides that if the fire marshal or a licensed inspector finds that a boiler is operating unsafely or that the boiler constitutes an imminent hazard, the licensed inspector shall immediately order the boiler to be shut down, and shall notify the fire marshal of his findings within 24 hours. Further provides for the shutdown.

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

New law repeals prior law and instead provides that the operation of a boiler without an operating certificate or with a suspended or expired operating certificate shall be penalized as follows:

- (1) If the fire marshal or a licensed inspector finds that the owner has failed to comply with the provisions of new law, or receives a report from a licensed inspector that a boiler is not in compliance with applicable safety standards, he shall issue a written warning and order to have the boiler brought into compliance and inspected before operation.

- (2) If the fire marshal finds that the owner has failed to comply with his warning, the fire marshal shall issue a second order and may impose a fine of no more than \$250 per day against the owner or operator for failure to comply with new law.

New law provides that each day of unlawful operation shall constitute a separate offense.

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

Prior law provided relative to inspections of all boilers to be installed after six months from the date upon which the rules and regulations of the assistant secretary shall become effective.

New law repeals prior law and instead provides that no boiler shall be installed after six months following the date on which the rules and regulations promulgated by the fire marshal governing new installations become effective unless that boiler conforms to the newly promulgated rules and regulations.

Prior law provided for which types of boilers are exempt from prior law.

New law lists the same exemptions provided in prior law and changes references to new law.

Prior law provided relative to fees for boiler inspections.

New law repeals prior law and instead provides a fee of \$150 for every operating certificate. Further provides relative to the fee.

Prior law provided that the manufacturer of a boiler or pressure vessel required by prior law to be inspected shall pay to the assistant secretary an inspection fee for the ASME, or National Board of Boiler and Pressure Vessel Inspectors "Shop Reviews for Certificate of Authorization", or both, in the amount of \$1,500 per location review.

New law repeals the shop review fee.

Prior law further provided that provisions of prior law regarding operating certificate fees are not applicable to commercial potable-water boilers of 50-gallon capacity or less.

New law repeals prior law and instead provides that provisions of new law do not apply to commercial potable-water boilers of less than 120 gallons and 200,000 BTU capacity.

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

New law repeals prior law.

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

New law repeals prior law and instead provides that any installation, moving, or reinstallation of power boilers, steam heating, water supply, potable water, or hot water heating boilers in this state shall be supervised by an installer licensed by the fire marshal to perform that work.

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

New law repeals prior law and instead provides for a \$100 fee for installer license issuance and a \$50 annual renewal fee.

Prior law required every person, firm, or corporation engaged in the installation of power boilers, steam heating, or hot water heating boilers to pass a written examination administered by the chief boiler inspector before licensure.

New law repeals prior law and instead requires each person applying to be licensed for the installation, moving, or reinstallation of power boilers, steam heating, water supply, potable water, or hot water heating boilers to pass a written examination with a passing score of 70% or greater.

Prior law provided for a \$50 exam fee.

New law repeals prior law and instead provides for a \$150 exam fee.

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

New law repeals prior law and instead provides that all boilers in this state shall be installed, moved, or reinstalled under the supervision of a licensed installer and that licensed installer shall submit a signed permit application to the fire marshal before the beginning of work. Further provides what shall be listed on the application.

Prior law provided that an application for permit to install, move, or reinstall a boiler shall be accompanied by a permit fee of \$25.

New law repeals prior law and instead provides that the application for a permit to install, move, or reinstall a boiler shall be accompanied by an installation permit fee of \$150 and shall be signed by the licensed installer

Prior law provided that no boiler in this state, the city of New Orleans excepted, shall be installed, moved, or reinstalled without a permit issued to a licensed person by a chief boiler inspector. Whoever fails to comply with the provisions of prior law shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. Each violation hereunder shall constitute a separate offense.

New law repeals prior law and instead provides that no boiler in this state shall be installed, moved, or reinstalled without a permit issued to a licensed installer by the fire marshal or his designated representative. Whoever fails to comply with the provisions of new law may be fined not more than \$250 per day.

Present law required all fees collected pursuant to prior law to be used exclusively for the operation and maintenance of the boiler section within the office of the state fire marshal, code enforcement, and building safety.

New law repeals prior law and instead requires all fees collected pursuant to new law to be used exclusively for the operation and maintenance of the office of the state fire marshal.

Effective January 1, 2027.

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