

New law provides for the state uniform construction code.

New law provides for a public policy and legislative intent regarding the state uniform construction code.

New law creates the "Louisiana State Uniform Construction Code Council" (hereinafter referred to as the "council.")

New law requires that the council consist of 19 members who shall be appointed by the governor subject to Senate confirmation for a term of three years or until a successor is appointed.

New law provides that the primary function of the council is to review and adopt the state uniform construction code, provide for training and education of code officials, and to accept requests for amendments to the code, except the La. State Plumbing Code.

New law requires the council to elect a chairman and vice chairman from its membership. The chairman may call a meeting and must call a meeting at the request of three or more members of the council within 14 days. A majority of the members will constitute a quorum and all official decisions must be approved by a two-thirds vote of the members after a quorum has been established.

New law further provides that council members will be immune from personal liability for actions taken in good faith in the discharge of their responsibilities.

New law requires all municipalities and parishes to enforce the codes provided for in new law and which are not in conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction or the provisions of R.S. 51:912.21, et seq.

New law provides that neither the performance of any enforcement procedure nor any provisions of building code shall be construed as a warranty or guarantee by an enforcement agency as to durability or fitness or as a warranty or guarantee that the structure or improvement or materials, equipment, or method of construction used therein is or will be free from defects, will perform in a particular way, is fit for a particular purpose, or will last in any particular way.

New law allows municipalities and parishes to establish agreements with other governmental entities or certified third party providers in order to issue permits and enforce the state uniform construction code as required by new law. Further requires each parish or municipality to appoint a certified building official or contract with other governmental entities or certified third party providers. Further provides that a parish or municipality may use the services of a certified building inspection in lieu of a certified building official for a period not to exceed four years from the date the state uniform construction code becomes effective in their parish or municipality.

New law authorizes a commercial or residential contractor to establish agreements with certified third party providers to inspect and enforce the state uniform construction code. For purposes of the emergency provisions of new law, a third-party provider must be either certified by the International Code Council or be a Louisiana licensed architect or engineer and registered with the Department of Public Safety and Corrections and thereafter must register with the council.

New law requires the council to review, adopt, modify, and promulgate the building codes provided for in new law. Further requires the council to promulgate rules and regulations portions of the state uniform construction code pursuant to the Administrative Procedure Act ("APA") and oversight by the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs Committee as provided for by the APA.

New law requires that the state uniform construction code must be updated by the council every three years.

New law requires that the parishes of Calcasieu, Cameron, Iberia, Jefferson, Lafouche, Orleans, Plaquemines, St. Bernard, St. Tammany, Terrebone, and Vermilion shall enforce, on an emergency basis, all wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified and amending Section 301.2.1.1(2) to replace "Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)" with the Guidelines for Hurricane Resistant Construction as published by the Institute for Business and Home Safety, 2005.

New law further requires that the emergency wind and flood mitigation requirements remain in full force and effect until the council adopts the latest editions of both the International Building Code and the International Residential Code, as modified.

New law requires each affected municipality and parish to enforce the emergency wind and flood mitigation requirement in accordance with the provisions of new law. In the event a municipality or parish is unable to enforce these provisions, the Department of Public Safety and Corrections shall enforce them as long as they remain in effect. The emergency provisions will go into effect 30 days from the effective date of new law for parishes and municipalities that have code enforcement procedure in place, and 90 days for all other parishes and municipalities located in the effected area.

New law requires the council to adopt by reference and amend only the latest editions of the following as the state uniform construction code:

- (1) International Building Code, not including Chapter 27-Electrical and Chapter 29-Plumbing Systems, and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (2) International Existing Building Code and the standards referenced in that code for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (3) International Residential Code, not including parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures, which is hereby adopted by this reference. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) will be amended as follows and only apply to the International Residential Code, 2003 edition:
 - (a) Amendment of R301.2.1.1 Design Criteria
 - (b) Item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, will be added.
 - (c) Item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, will be added.
 - (d) Item 8, Federal Alliance for Same Homes, *Optional Code-plus Blueprint for Safety*, will be added.
- (4) International Mechanical Code and the standards referenced in that code for regulation of construction within this state. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (5) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals.

- (6) International Fuel Gas Code and the standards referenced in that code for regulation of construction within this state. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (7) National Electric Code.

New law provides that the initial code adopted by the council will become effective January 1, 2007.

New law does not apply to the construction or improvement of the following types of industrial facilities as defined or classified pursuant to the 1997 North American Industry Classification System (NAICS):

- (1) 22111 electric power generation.
- (2) 321 wood products manufacturing.
- (3) 322 paper manufacturing.
- (4) 324 petroleum and coal products manufacturing.
- (5) 325 chemical manufacturing.
- (6) 326 plastics and rubber products manufacturing.
- (7) 331 primary metals manufacturing.
- (8) 562211/562212 hazardous and solid waste landfills.
- (9) 422710 bulk stations and materials.
- (10) 486110 crude oil pipelines.
- (11) 486910 refined petroleum products pipelines.
- (12) 486210 natural gas pipelines.
- (13) 486990 other pipelines.
- (14) 211112 natural gas processing plants.

New law exempts "farm structures" and "private outdoor recreational structures" from the provisions of new law provided they are not used as a residence or attached to a residence.

New law allows the local building official to enjoin further construction of a project as provided for by local ordinance upon a violation of the building codes or regulations adopted pursuant to the provisions of new law. Further provides that the municipal, district, parish attorney or the attorney general may apply for additional injunctive relief in the district court of the parish where the violation occurred.

New law allows the governing authority of a parish or municipality to impose fees necessary to implement and continue the provisions of new law.

New law requires that building must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit.

New law requires the Louisiana State Uniform Construction Code Council to:

- (1) Register building code enforcement officers pursuant to the provisions of new law.
- (2) Conduct hearings and proceedings as necessary to implement the provisions of new law and promulgate regulations pursuant to the provisions of the Administrative Procedure Act for the proper enforcement of new law.

- (3) Keep a record of its hearings and proceedings and to keep a register of applications for certificates of registration. The council must publish at least annually the approved applications.

New law provides that the council and its members shall be subject to the Open Meetings Law, the Public Records Law, and the Code of Government Ethics and may not receive per diem or other compensation for their duties on the council.

New law allows the council to issue certificates of registration without application to building code enforcement officers employed in code enforcement on the effective date of new law. This registration for building code officials is valid for three years and the registration for residential building code inspectors and plan reviewers is valid for six months.

New law requires that upon initial employment by a parish, municipality, or other political subdivision an individual must be granted a provisional certificate of registration without examination for a specified time period. A provisional certificate of registration may not be renewed.

New law allows the council to order persons violating the provisions of new law to refrain from the conduct and may also apply to the district court of the parish in which the violation occurs for injunctive relief.

New law requires any person practicing as a building code enforcement officer to be registered as provided for by new law and must apply upon a form prescribed by the council. Further provides that any person violating the provisions of new law will be guilty of a misdemeanor and, upon conviction, must be fined no more than \$200 or imprisoned no more than 30 days. Each day the violation continues is a separate offense.

New law requires applicants to furnish satisfactory proof to the council of a valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. The council may suspend or revoke certificates of registration upon any violation of new law following notice and a hearing consistent with the APA.

New law provides that a certificate of registration is valid for one year and expires on last day of the month of issuance. Renewal of a certificate of registration must be determined by the council to ensure that the applicant meets the continued education requirements promulgated by the council.

New law allows the state fire marshal to establish contract agreements with municipalities or parishes in order to provide permitting and code enforcement as provided for in new law. Further clarifies that the provisions of new law do not prevent the state fire marshal from meeting his other statutory and regulatory responsibilities.

New law requires that any insurer who makes application to the La. Rating Commission for a rate filing must provide details as to what discount or reduced rate will be given to insureds who comply with the uniform construction code.

Effective upon signature of the governor (November 29, 2005).

(Amends R.S. 33:4773(D); adds R.S. 22:1407(J) and R.S. 40:1730.21 - 1730.39; repeals R.S. 40:1725 - 1730.1)