

2026 Regular Session

HOUSE BILL NO. 1186

BY REPRESENTATIVE JACOB LANDRY

BUILDING CODES: Provides relative to the Uniform Construction Code and inspector licensing

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(a), R.S. 37:21(B)(introductory paragraph), R.S.

3 42:262(A), and R.S. 44:4(51) and 4.1(24), to enact R.S. 37:21(B)(12) and (13),

4 Chapter 62 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised

5 of R.S. 37:3727 through 3750, and R.S. 44:4(65), and to repeal Part IV-A of Chapter

6 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

7 40:1730.21 through 1730.40.2, relative to the Louisiana Uniform Construction Code

8 Commission; to provide legislative purpose; to provide for definitions; to create the

9 Louisiana Uniform Construction Code Commission; to provide for the membership

10 of the commission; to provide for per diem and travel reimbursement for members

11 of the commission; to provide for powers of the commission; to provide for

12 rulemaking authority; to provide authority to collect fees; to provide for duties of the

13 commission; to provide for record-keeping; to provide for domicile of the

14 commission; to provide for regular meetings of the commission; to provide

15 procedures for commission meetings; to provide for adoption and amendment of a

16 Uniform Construction Code; to provide for legislative oversight of the code; to

17 provide for periodic review of the code; to provide for mandatory adoption of certain

18 nationally-recognized codes; to provide for applicability of codes for building

19 inspections; to provide for powers of the state fire marshal; to provide for

20 enforcement of the code by municipalities and parishes; to exempt certain facilities

1 from the code; to provide for injunctive relief for code violations; to provide for
 2 agreements by public entities relative to code enforcement; to provide for
 3 appointment of building officials; to provide relative to conflicts of interest of
 4 inspectors; to provide for inspector license types and classifications; to provide for
 5 application and renewal requirements and procedures for licenses; to provide for
 6 public records exemptions; to provide for required disclosures by applicants; to
 7 provide for licensing fees; to provide for disciplinary procedures; to provide for fines
 8 and penalties to direct the Bureau of Criminal Identification and Information to
 9 provide certain criminal history information to the commission; to exempt the
 10 commission from certain limitations on disciplinary proceedings; and to provide for
 11 related matters.

12 Be it enacted by the Legislature of Louisiana:

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

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

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

1 formal charge against the attorney, the Louisiana Supreme Court Committee on Bar
 2 Admissions, the municipal or parish department or personnel responsible for
 3 reviewing applications for alcoholic beverage outlet permits, the Louisiana Uniform
 4 Construction Code Commission, and the legislative auditor any information
 5 contained in the criminal history record and identification files of the bureau. The
 6 Department of Children and Family Services may provide information secured
 7 pursuant to this Subsection to all federal and state agencies providing child support
 8 enforcement services.

9 * * *

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

13 §21. Limitations on disciplinary proceedings by professional or occupational boards
 14 and commissions

15 * * *

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

17 * * *

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

19 (13) The Louisiana Uniform Construction Code Commission.

20 * * *

21 CHAPTER 62. BUILDING CODE ADOPTION & INSPECTOR LICENSING LAW

22 PART I. GENERAL

23 §3727. Purpose; legislative intent

24 The purpose of the legislature in enacting this Chapter is to maintain
 25 reasonable standards of construction in commercial and residential buildings and
 26 other structures in the state consistent with the public health, safety, and welfare of
 27 its citizens. This Chapter is enacted to enable this state to promulgate a Uniform
 28 Construction Code to govern the construction, reconstruction, alteration, and repair
 29 of commercial and residential buildings and other structures. The Uniform

1 Construction Code is intended to establish uniform performance standards providing
2 reasonable safeguards for health, safety, welfare, comfort, and security balanced with
3 affordability for the residents of this state who are occupants and users of buildings,
4 and will provide for the use of modern methods, devices, materials, and techniques.
5 To secure these purposes, the Louisiana Uniform Construction Code Commission
6 shall license persons engaged in the enforcement of the Uniform Construction Code.
7 The intent of the legislature is that the Louisiana Uniform Construction Code
8 Commission shall monitor building construction projects to ensure compliance with
9 the Uniform Construction Code and licensure requirements of this Chapter.

10 §3728. Definitions

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

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

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

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

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

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

27 (6) "Commission" means the Louisiana Uniform Construction Code
28 Commission.

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

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

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

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

13 (a) Children and their spouses.

14 (b) Siblings and their spouses.

15 (c) Parents.

16 (d) Spouse.

17 (e) The parents of a spouse.

18 (f) Grandchildren and their spouses.

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

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

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

28 (14) "Manufactured home" and "manufactured housing" mean a factory-built
29 residential dwelling unit constructed to the standards and codes promulgated by the

1 United States Department of Housing and Urban Development, pursuant to the
2 National Manufactured Housing Construction and Safety Standards Act of 1974, 42
3 U.S.C. 5401 et seq., as amended. The terms "manufactured home" and
4 "manufactured housing" may be used interchangeably and apply to structures bearing
5 the permanently affixed seal of the United States Department of Housing and Urban
6 Development.

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

12 (16) "Permit" means an official document issued by a municipal, local, or
13 parish government authority for the construction, alteration, relocation, enlargement,
14 replacement, repair, equipment, use and occupancy, location, maintenance, removal,
15 or demolition of a building, structure, or any appurtenances connected or attached
16 to such buildings or structures. A permit states that the project is safe for occupancy
17 for its intended use and complies with the Uniform Construction Code and other
18 regulations.

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

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

28 (19) "Principal" means an owner, shareholder, or officer or director of a
29 corporation; a member or manager of a limited liability company; a general partner

1 of a partnership; a sole proprietor; a trustee; or a full-time employee with similar
2 operational control or significant influence with respect to any person as determined
3 by the commission.

4 (20) "Private inspector" means a person who enters into a contract or
5 registers with a public entity, and is not a public employee of that public entity with
6 which he is contracted or registered, to act in the capacity of an inspector or building
7 official within the jurisdiction of that public entity. A private inspector may own,
8 or be employed by, a private inspector company that is contracted or registered to
9 provide this service. A licensed private inspector is responsible for the enforcement
10 of the Uniform Construction Code based upon the classification specified on his
11 license issued by the commission.

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

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

22 (23) "Public entity" means a parish, municipal, or local governmental entity
23 in this state, including its branches, departments, offices, agencies, boards,
24 commissions, instrumentalities, officers, officials, employees, and political
25 subdivisions and the departments, offices, agencies, boards, commissions,
26 instrumentalities, officers, officials, and employees of that political subdivision.
27 "Public entity" includes housing authorities, as defined in R.S. 40:384, and their
28 commissioners and other officers and employees, and sewerage and water boards and
29 their employees, servants, agents, or subcontractors.

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

6 (25) "Residential structure" means a building or structure that is used
7 primarily for occupancy by a person as a residence. These structures include but are
8 not limited to single-family dwellings, duplexes that are not more than three floors
9 in height, and structures that are part of or adjacent to the building or structures to
10 be used as a residence.

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

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

17 §3729. Louisiana Uniform Construction Code Commission; membership;
18 qualifications; tenure; vacancies; term limits

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

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

25 (1) The fire marshal or his designee.

26 (2) Two licensed inspectors with the Louisiana Uniform Construction Code
27 Commission.

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

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

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

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

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

9 (8) One member representing the Associated Builders and Contractors of
10 Louisiana.

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

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

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

18 (12) One member representing the Building Officials Association of
19 Louisiana.

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

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

23 (15) Two members at-large.

24 C. With the exception of the fire marshal or his designee, who shall serve by
25 virtue of his position, each member of the commission shall be appointed by the
26 governor, subject to Senate confirmation, and shall serve at the pleasure of the
27 governor. With the exception of the fire marshal or his designee, each term for a
28 member of the commission is for four years, and a member shall serve no more than
29 two consecutive terms.

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

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

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

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

14 §3730. Powers of the Commission

15 A. The commission shall review and adopt the Uniform Construction Code
16 published pursuant to the commission's rules and regulations, accept requests for
17 amendment, and determine if amendment of the Uniform Construction Code is
18 justified. If the commission determines that an amendment to the Uniform
19 Construction Code is justified, the commission may enact that amendment after a
20 finding on the record that the amendment provides a reasonable degree of public
21 health, safety, affordability, and welfare. The commission shall adopt rules in
22 accordance with the Administrative Procedure Act to implement the provisions of
23 this Chapter.

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

28 C.(1) The commission may enter into contracts for professional and legal
29 services, open bank accounts to conduct its business, and enter into agreements with

1 the board for the operation of the commission including reimbursement of the board
2 for the use of the board's funds used to operate the commission. The executive
3 director may use the board's funds for the operations of the commission.

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

7 (b) This fee shall be no more than ten dollars per permit. A public entity
8 responsible for collecting this fee shall not retain any portion of this fee. The fee
9 may be waived if the public entity waives the regular permit fees during a declared
10 emergency, or when issuing a permit to itself or another governmental entity.

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

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

15 (e) This administrative fee shall be assessed by the local government
16 authority on each permit issued. The fee shall be collected by the local government
17 authority and remitted to the commission. The amount of the fee shall be established
18 annually by the commission and shall be in addition to all other applicable permit
19 fees.

20 D. The commission is vested with the authority necessary to carry out the
21 intent of the provisions of this Chapter. The commission shall promulgate rules and
22 regulations for the proper administration and enforcement of this Chapter and to
23 carry out the purpose of this Chapter, in accordance with the Administrative
24 Procedure Act. The enumeration of specific matters which may be made, and the
25 subject of rules and regulations, shall not be construed to limit general powers of the
26 commission to make all rules and regulations necessary to effectuate this Chapter.

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

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

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

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

8 (2)(a) However, notwithstanding the provisions of Paragraph (1) of this
9 Subsection and the provisions of R.S. 42:262, the commission may contract with
10 outside counsel or collection agencies on a contingency fee basis to enforce
11 judgments that may arise pursuant to this Chapter.

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

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

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

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

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

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

5 (2)(a) Hold hearings and proceedings in accordance with statutes governing
6 the commission and the provisions of the Administrative Procedure Act to consider
7 violations of the provisions of this Chapter and the rules and regulations of the
8 commission.

9 (b) The commission shall retain special counsel to conduct disciplinary
10 proceedings and prosecute violations at regular or special meetings whenever
11 deemed necessary, and may retain special hearing officers at the discretion of the
12 commission. These proceedings shall be conducted in accordance with R.S. 49:975
13 et seq. This provision does not limit special counsel to only matters of a disciplinary
14 proceeding, however, the commission's general counsel will not be utilized for
15 prosecuting cases.

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

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

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

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

27 (2) If the commission receives a complaint that is based on a license or rules
28 violation, or any provision of this Chapter, a proceeding shall not be initiated after
29 five years from the date of the alleged act or omission giving rise to the complaint.

1 This period is interrupted by the filing of a procedural motion, or suspended as
2 provided in Paragraph (3) of this Subsection.

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

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

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

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

21 §3731. Domicile; meetings; compensation; quorum; books and records; audit report

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

24 (2) Meetings of the commission are subject to the Open Meetings Law, R.S.
25 42:11 et seq.

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

28 B. The commission shall hold regular meetings in January, April, July, and
29 October of each calendar year. The chairman may call special meetings of the
30 commission as he deems necessary. The meeting time shall be designated by the

1 chairman. Notice of commission meetings shall be posted on the commission's
2 website and at the commission's office at least ten days prior to the date when the
3 commission is to meet.

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

7 D. A majority of the members of the commission constitutes a quorum to
8 conduct business.

9 E. There shall be no voting by proxy.

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

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

15 H. The secretary of the commission shall oversee and attest to the minutes
16 of each meeting. These minutes shall be made available to each commission
17 member and to the public upon adoption of those minutes at the next scheduled
18 meeting of the commission.

19 I. Within one hundred fifty days of the last day of each calendar year, a
20 certified public accounting firm approved by the state official charged with the
21 auditing of public records and accounts shall audit the financial records of the
22 commission, submit the report of its audit to the legislative auditor, and shall file a
23 copy of that audit with the secretary of state to be attached to the report of the
24 commission on file.

25 PART II. CODE ADOPTION AND ENFORCEMENT

26 §3732. Adoption and promulgation of certain building codes and standards as
27 Uniform Construction Code; procedures

28 A. Code review committees established by the commission shall advise,
29 review, and recommend amendment of the Uniform Construction Code to the
30 commission. The commission shall review and finalize the adoption and amendment

1 of the Uniform Construction Code, and promulgate changes to the Uniform
2 Construction Code, in accordance with all of the following:

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

6 (2)(a) The commission shall promulgate rules and regulations to adopt the
7 Uniform Construction Code in accordance with the Administrative Procedure Act.
8 Notwithstanding the provisions of R.S. 49:966(B)(12), the Senate Committee on
9 Commerce, Consumer Protection, and International Affairs; the Senate Committee
10 on Health and Welfare; the House Committee on Commerce; and the House
11 Committee on Health and Welfare have oversight of the initial adoption of the
12 Uniform Construction Code.

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

17 (3)(a) The commission shall review, evaluate, and amend the codes within
18 the Uniform Construction Code no later than five years from the date of publication
19 of the appropriate code. The commission shall submit the amended Uniform
20 Construction Code to the House Committee on Commerce and the Senate Committee
21 on Commerce, Consumer Protection, and International Affairs for oversight and
22 approval. The commission shall provide each house of the legislature with a
23 summary of any major proposed amendments to the International Residential Code
24 at the time of submission to the oversight committees.

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

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

7 §3733. Mandatory adoption of certain nationally recognized codes and standards as
8 the state uniform construction code; adoption by reference

9 A. The council shall evaluate, adopt, and amend only the latest editions of
10 all of the following as the Uniform Construction Code:

11 (1) International Building Code (IBC), not including Chapter 1, Scope and
12 Administration, and Chapter 27, Electrical. The applicable standards referenced in
13 that code are included for the regulation of construction within this state. The
14 appendices of that code may be adopted as needed, but the specific appendix or
15 appendices shall be referenced by name or letter designation at the time of adoption.

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

21 (3) International Residential Code (IRC), not including Part I,
22 Administrative, and Part VIII, Electrical. The applicable standards referenced in that
23 code are included for the regulation of construction within this state. The
24 commission shall not adopt or enforce any part of the International Residential Code
25 or any other code or regulation that requires a fire protection sprinkler system in one-
26 or two-family dwellings. A municipality or parish shall not adopt or enforce an
27 ordinance or other regulation requiring a fire protection sprinkler system in one- or
28 two-family dwellings.

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

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

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

15 (7) International Energy Conservation Code (IECC) and all optional
16 compliance paths contained therein, and the standards referenced in that code.

17 (8) National Electrical Code (NEC).

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

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

27 (2) Nothing in this Section nor any provisions adopted pursuant to this
28 Section shall lessen the licensing qualifications and requirements provided in R.S.
29 37:1361 et seq.

1 §3734. Codes applicable to building inspections

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

5 §3735. Powers of state fire marshal

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

9 (2)(a) An agreement pursuant to Paragraph (1) of this Subsection may
10 include a provision allowing the state fire marshal to take into consideration practical
11 and unreasonable economic hardships before applying the strict requirements of this
12 Chapter. Pursuant to a contractual agreement with a municipality or parish executed
13 in accordance with the provisions of this Subsection and upon appeal of the
14 professional of record for a plan review of a structure, except one- or two-family
15 dwelling, the state fire marshal may allow alternative materials, design, and
16 methods of construction and equipment that comply with the provisions of the
17 International Building Code, Chapter 1-Scope and Administration, relative to
18 alternative materials, design, and methods of construction and equipment.

19 (b) The state fire marshal may adopt, in accordance with the Administrative
20 Procedure Act, the provisions set forth in the International Building Code, Chapter
21 1-Scope and Administration, relative to alternative materials, design, and methods
22 of construction and equipment.

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

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

1 §3736. Municipalities and parishes; home rule charter

2 A. Nothing in this Chapter shall conflict with the provisions of Article VI,
3 Sections 4 and 6 of the Constitution of Louisiana pertaining to the powers, functions,
4 and duties of local governments; the structure and organization of, or the particular
5 distribution and redistribution of the powers and functions of, any local government
6 operating pursuant to a home rule charter; or prohibit a local government from
7 adopting ordinances for the local administration of the construction code provided
8 for in this Chapter or for any procedures in connection with the local enforcement
9 of the provisions of this Chapter.

10 B. In the enforcement of any provision of the construction code provided for
11 in this Chapter, if any provision of this Chapter conflicts with the provisions of a
12 home rule charter pertaining to the powers, functions, and duties of a local
13 government; or with the structure, organization, or distribution of the powers and
14 functions of that local government; the provisions of that home rule charter
15 supersede the conflicting provisions of this Chapter.

16 §3737. Enforcement of the Uniform Construction Code by municipalities and
17 parishes

18 A.(1) Notwithstanding any law to the contrary relating to the authority of
19 local governments to enforce building codes, all municipalities and parishes in this
20 state shall enforce only the Uniform Construction Code provided in this Chapter and
21 as promulgated in the commission's rules and regulations. Licensed contractors, and
22 homeowners exempted from the contractor licensing law pursuant to R.S. 37:2157,
23 may establish agreements with private inspectors to conduct plan reviews and
24 enforce the state uniform construction code. All public entities, licensed contractors,
25 and homeowners shall use only inspectors licensed by the commission to enforce this
26 Chapter. Enforcement procedures by licensed inspectors include examination or
27 review of plans, drawings, or specifications; the conducting of inspections; and the
28 issuance, denial, or revocation of permits. A local jurisdiction shall not accept an
29 inspection report or plan review for the enforcement of the Uniform Construction
30 Code from a private inspector unless that inspector has a contract to provide

1 inspection services with that jurisdiction for which they are performing the
2 inspection, or has registered with that jurisdiction. Nothing in this Chapter allows
3 any local government to avoid enforcement, or to otherwise amend any of the
4 mandatory construction code provisions required in this Chapter, or to prohibit
5 licensed contractors or homeowners from using licensed private inspectors.

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

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

24 C. In connection with the construction of any building, structure, or other
25 improvement to immovable property, neither the performance of any enforcement
26 procedure nor any provision of Uniform Construction Code constitutes or is to be
27 construed as a warranty or guarantee by a governmental enforcement agency as to
28 durability or fitness, or as a warranty or guarantee by an inspector who contracts or
29 registers with a municipality or parish as provided for in R.S. 37:3740, that a
30 building, structure, or other improvement to immovable property or any materials,

1 equipment, or method or type of construction used in that work is or will be free
2 from defects, will perform in a particular manner, is fit for a particular purpose, or
3 will last in any particular way. In the enforcement of any provision of the Uniform
4 Construction Code provided for in this Chapter, or of any regulations pursuant to
5 R.S. 33:4771 et seq., the performance or nonperformance of any procedure by a
6 governmental enforcement agency, contract employee, official, or inspector is a
7 discretionary act and subject to the provisions of R.S. 9:2798.1.

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

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

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

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

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

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

3 G. The building official for the parish, municipality, or regional planning
4 commission, as authorized pursuant to R.S. 37:3740 and appointed pursuant to R.S.
5 37:3741, or a properly-licensed inspector designated by that building official, shall
6 enforce the plumbing provisions adopted pursuant to this Chapter.

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

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

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

22 (2) Permit and inspect one- and two-family dwellings for roof construction
23 and reroofing in compliance with the International Residential Code Chapters 8 and
24 9 requirements as adopted and promulgated by the commission.

25 §3738. Exemptions relating to enforcement of Uniform Construction Code

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

- 1 (1) 22111 electric power generation.
- 2 (2) 3211 saw mills and wood preservation.
- 3 (3) 322 paper manufacturing.
- 4 (4) 324 petroleum and coal products manufacturing.
- 5 (5) 325 chemical manufacturing.
- 6 (6) 326 plastics and rubber products manufacturing.
- 7 (7) 331 primary metal manufacturing.
- 8 (8) 562211 hazardous waste treatment and disposal.
- 9 (9) 562212 solid waste landfill.
- 10 (10) 424710 petroleum bulk stations and terminals.
- 11 (11) 486110 pipeline transportation of crude oil.
- 12 (12) 486910 pipeline transportation of refined petroleum products.
- 13 (13) 482610 pipeline transportation of natural gas.
- 14 (14) 486990 all other pipeline transportation.
- 15 (15) 211112 natural gas liquid extraction.
- 16 (16) 211 oil and gas extraction.
- 17 (17) 3212 veneer, plywood, and engineered wood product manufacturing.
- 18 (18) 486 pipeline transportation.
- 19 (19) 213 support activities for mining.
- 20 B.(1)(a) For the purposes of this Section, "farm structure" means a structure
21 constructed on a farm, other than a residence or a structure attached to it, for use on
22 the farm including but not limited to barns, sheds, and poultry houses but not public
23 livestock areas. "Farm structure" does not include a structure originally qualifying
24 as a farm structure, but later converted to another use.
- 25 (b) For the purposes of this Section, "residential accessory structure" means
26 a structure not exceeding two hundred square feet in footprint, and not attached to
27 a residence, that is used as an accessory to the primary use of the residence, and not
28 constructed in regions where the ultimate design windspeed required by the Uniform
29 Construction Code, as promulgated by the commission, equal or exceed one hundred
30 thirty miles per hour in hurricane-prone regions.

1 (2) The governing authority of a parish or municipality shall not enforce that
2 portion of the Uniform Construction Code which regulates the construction or
3 improvement of a farm structure or private outdoor recreational structure, other than
4 a residence or structure attached to a residence, such as a hunting or fishing camp or
5 residential accessory structure. However, a municipality with a population in excess
6 of forty-five thousand according to the latest federal decennial census may enforce
7 that portion of the Uniform Construction Code which regulates the construction or
8 improvement of a residential accessory structure.

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

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

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

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

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

26 (3) A parish or municipality issuing a building permit shall ensure that all
27 applicable permits and associated fees assessed on a building permit applicant
28 contain requirements and amounts that do not exceed the requirements and amounts
29 for use of other utility providers and do not have the effect of restricting a permit

1 applicant's ability to use the services of a utility provider that is capable and
2 authorized to provide utility service.

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

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

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

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

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

16 (9) The provisions of this Section apply notwithstanding any contrary
17 provision of law.

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

20 (1) Regulating stored water temperatures through enforcement of the
21 Sanitary Code.

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

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

27 G. Notwithstanding any provision of law to the contrary, all manufactured
28 homes built to federal construction standards are subject only to the plumbing
29 provisions in federal law. Manufactured homes are not subject to state plumbing
30 regulations, whether the manufactured home is connected to a public or private

1 sewer system. However, that connection shall be completed and maintained by a
2 plumber licensed in this state.

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

6 §3739. Mandamus and injunctive relief for violation of code or regulation; penalties

7 For a violation of the Uniform Construction Code or a regulation adopted
8 pursuant to this Chapter, the local building official may enjoin further construction
9 of the project as provided by local ordinance. The municipal, district, or parish
10 attorney, attorney general, or other appropriate authority of a political subdivision,
11 in addition to other remedies, may apply for injunctive relief, mandamus, or other
12 appropriate proceeding in the district court of the parish where the violation
13 occurred.

14 §3740. Agreements with other governmental entities for provision of services;
15 private agreements

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

26 §3741. Appointment of building official or contractual arrangement for such
27 services; affidavit for exemption

28 A public entity shall appoint a person to act as its building official to oversee
29 the unincorporated area of the public entity. Only a licensed inspector holding a
30 general license classification may be appointed to act as a building official of a

1 public entity. A person shall not be appointed as a building official or inspector for
2 that public entity if he has any interest in any legal entity that performs commercial
3 or residential construction within the jurisdiction in which he would be appointed.
4 Nothing in this Chapter prevents a municipality or parish from appointing and
5 employing additional licensed inspectors necessary to perform the required
6 inspections and technical duties and prescribing fees for construction permits and
7 inspections as provided by law.

8 §3742. Conflicts of interest

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

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

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

1 not engage in any work that is inconsistent with his duties or with the interest of the
2 public entity, as determined by the public entity.

3 D. An employee or member of an inspection department shall not be
4 financially interested in, or employed by a business that is financially interested in,
5 the furnishing of labor, material, or appliances for the planning, specification,
6 construction, alteration, or maintenance of a building within the public entity's
7 planning and development regulation jurisdiction unless he is the owner of that
8 building. A member or other individual of an inspection department, or employee
9 of a company contracting with a public entity to conduct inspections, shall not
10 engage in work that is inconsistent with his duties or with the interest of the public
11 entity as determined by that public entity.

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

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

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

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

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

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

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

1 PART III. LICENSING2 §3743. License types, classifications, and general information3 A. In accordance with R.S. 37:3728, the commission may issue the
4 following types of inspector licenses:5 (1) Public Inspector.6 (2) Private Inspector.7 B.(1) A public inspector or private inspector may be classified in the
8 category of a general license classification or a specialty license classification.9 (2) A licensee holding a general license classification is permitted to perform
10 any work specified within a specialty license classification for any structure.
11 "Certified Building Official", "Master Code Professional", "Louisiana Licensed
12 Architect", and "Louisiana Licensed Engineer" are categorized as general license
13 classifications.14 C. An applicant for a general or specialty license classification is required
15 to meet the relevant qualification requirements promulgated in the commission's
16 rules and regulations in addition to all other licensing requirements pursuant to R.S.
17 37:3744 prior to licensure.18 D. An applicant for an inspector license shall meet the licensing
19 requirements provided in R.S. 37:3744 to obtain that license. After those license
20 requirements have been met, the license will be issued to the applicant, and the
21 license shall state the inspector's license classification for which he has completed
22 all of the relevant requirements. Following issuance of the license by the
23 commission, the inspector shall do all of the following:24 (1) Adhere to the license requirements during the license's active period
25 pursuant to R.S. 37:3746.26 (2) Perform only inspection work included in the license classification within
27 which his license was issued.28 (3) Conduct all transactions and perform work in the name that appears on
29 both his current license and in the official records of the commission.

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

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

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

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

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

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

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

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

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

27 §3744. Application and renewal requirements

28 A. The licensing requirements for the inspector licenses include submission
29 of all of the following:

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

6 (2) Any identifying information required by the commission. An applicant
7 for renewal shall verify his identifying information on record with the commission
8 and provide updated information if a change occurs. An applicant for a license shall
9 be a United States citizen or legal resident of the United States. All identifying
10 information and the applicant's answers to any background questions are subject to
11 verification. Identifying information may include the following:

12 (a) Full legal name.

13 (b) Date of birth.

14 (c) Contact information, including physical address, phone number, and
15 email address.

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

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

20 (f) Employer identification number of a legal business entity, or if the
21 business is a disregarded entity, the employer identification number of its parent
22 company.

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

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

1 **(b) Information current to within twelve months of the date of filing the**
2 **application.**

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

6 **(d) Verification and signature by an accountant, bookkeeper, or certified**
7 **public accountant, or in lieu of a signature by a certified public accountant on the**
8 **commission's form, a current financial statement prepared by a certified public**
9 **accountant may be attached.**

10 **(e) Verification and signature by the applicant affirming all information is**
11 **true and correct.**

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

17 **(a) Fiduciary or monetary matters including but not limited to any**
18 **bankruptcy, judgment, insolvency, or lien.**

19 **(b) Any criminal offense resulting in a conviction, guilty plea, or plea of nolo**
20 **contendere.**

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

26 **(6)(a) Professional liability insurance certificates evidencing a minimum**
27 **coverage amount of five hundred thousand dollars shall be submitted by private**
28 **inspector applicants for a private inspector company. There is no professional**
29 **insurance coverage requirement for licensure for public inspector applicants**
30 **employed by public entities.**

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

3 **(i) The name of the licensee.**

4 **(ii) The name of the insurance company.**

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

6 **(iv) The insurance policy number.**

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

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

10 **(vii) The commission listed as a certificate holder.**

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

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

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

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

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

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

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

9 E. Notwithstanding any other provision of law to the contrary, criminal
10 background information in the possession of the board or the commission is
11 confidential and shall not be disclosed to others outside of the agency except as
12 necessary for action on the application of the applicant. However, any such record
13 may be released to the public in an administrative proceeding before the board or
14 commission, and any final determination made by the board or commission relative
15 to the fitness of any person to receive or to continue to hold a license issued by the
16 board or commission and any legal grounds upon which such determination is based
17 shall be a public record, as provided by R.S. 44:4(51)(a). This is not to be construed
18 to interfere or with limit the jurisdiction and oversight of the legislative auditor or
19 the inspector general. Criminal history records obtained from the Bureau of
20 Criminal Identification and Information shall be exempt from public disclosure
21 pursuant to R.S. 44:3 and shall not be released publicly by the board or the
22 commission.

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

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

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

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

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

5 §3745. Licensing fees

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

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

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

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

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

18	<u>(1) Classification qualification research fee</u>	<u>\$50.00</u>
19	<u>(2) License fee</u>	<u>\$100.00</u>
20	<u>(3) Renewal fee</u>	<u>\$100.00</u>
21	<u>(4) Delinquent fee</u>	<u>\$25.00</u>
22	<u>(5) Applicant investigative fee</u>	<u>\$50.00</u>
23	<u>(6) Renewal investigative fee</u>	<u>\$50.00</u>
24	<u>(7) Processing fee</u>	<u>\$25.00</u>
25	<u>(8) Insurance lapse fee, first offense</u>	<u>\$250.00</u>
26	<u>(9) Insurance lapse fee, second or subsequent offense</u>	<u>\$500.00</u>
27	<u>(10) Request for state license verification fee</u>	<u>\$25.00</u>
28	<u>(11) License reinstatement/reactivation fee</u>	<u>\$250.00</u>
29	<u>(12) Legal name change fee</u>	<u>\$25.00</u>
30	<u>(13) Business structure change fee</u>	<u>\$50.00</u>

1 §3746. Requirements of a licensee; record keeping; duty to report

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

7 (2) A licensee shall maintain on record with the commission current contact
8 information, such as legal name, mailing address, email address, phone numbers, or
9 any other required information. The licensee's email address on record with the
10 commission shall be used for official correspondence. Failure to maintain current
11 information with the commission may delay the issuance of a license, the timely
12 renewal of a license, or the receipt of updates to laws, rules, and regulations related
13 to this industry.

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

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

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

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

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

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

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

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

3 PART IV. DISCIPLINARY MEASURES

4 §3747. Revocation and suspension of licenses; issuance of cease-and-desist orders;
5 debarment; violations; penalty; criminal penalty

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

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

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

14 (3) Undertaking, attempting to, submitting, offering to conduct, supervise,
15 superintend, oversee, direct, or in any manner assume charge of the performance of
16 building inspections as a building inspector, or the review or examination of
17 construction documents as a plans examiner for the enforcement of the Uniform
18 Construction Code, without possessing the required license or the required license
19 classification.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (12) Making or filing a report or record that the licensee knows to be false,
29 or knowingly inducing another to file a false report or record, or knowingly failing
30 to file a report or record required by state or local law, or knowingly impeding or

1 obstructing such filing, or knowingly inducing another person to impede or obstruct
2 such filing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 D. Any party to the proceeding who is aggrieved by the action of the
25 commission may appeal the decision in accordance with the Administrative
26 Procedure Act.

27 E. In accordance with the provisions of the Administrative Procedure Act,
28 any person who applies for and is denied a license by the commission, or whose
29 license has been revoked, rescinded, or suspended, may appeal to the Nineteenth

1 Judicial District Court to determine whether the commission has abused its
2 discretion.

3 §3748. Local regulatory authority; permit offices; staff; building permits

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

10 B. The commission or its designee, or the board or its designee, may inspect
11 the list of permits issued by each local building permit official in this state to verify
12 that no person is working as a contractor without an active license. Upon request,
13 parish and municipal permitting authorities shall provide to the commission or its
14 designee, or the board or its designee, any documents relating to building permits,
15 applications, and inspections.

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

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

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

1 §3749. Engaging in business of inspecting without authority prohibited; penalty

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

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

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

12 C. Any fine assessed and collected in accordance with the provisions of this
13 Section shall be remitted to the commission.

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

16 §3750. Violations; civil penalty; jurisdiction

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

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

1 C. In addition to or in lieu of the criminal penalties and administrative
2 sanctions provided in this Chapter, the commission may issue an order to cease and
3 desist to any person engaged in an activity, conduct, or practice constituting a
4 violation of this Chapter. The order shall be issued in the name of the state and
5 under the official seal of the commission.

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

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

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

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

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

1 I. Upon the expiration of the delays set forth in the Administrative Procedure
2 Act for an aggrieved party to appeal a fine or penalty assessed by the commission,
3 if an appeal has not been filed, the commission may initiate civil proceedings against
4 the violating party seeking a judgment for the amount of the fine assessed, together
5 with legal interest and reasonable attorney fees incurred by the commission in
6 bringing the action. The proceedings shall be conducted on a summary basis, with
7 the defendant being limited to the defense of lack of notice as to the meeting of the
8 commission during which the fine was assessed. A proceeding brought pursuant to
9 this Subsection may lie in any court of competent jurisdiction in this state.

10 J. In addition to all other authority granted to the commission by the
11 provisions of this Chapter, the commission may issue to any person alleged to have
12 violated this Chapter a citation setting forth the nature of the alleged violation, and
13 the options of pleading no contest to the charge, paying a fine to the commission
14 prescribed by this Chapter, or appearing at an administrative hearing conducted by
15 the commission regarding the alleged violation. That citation may be issued by a
16 person authorized by the commission in person, by certified mail with a return
17 receipt, or by email with a delivery receipt from the cited person. This Subsection
18 is not applicable to any criminal enforcement action brought pursuant to this
19 Chapter.

20 Section 3. R.S. 42:262(A) is hereby amended and reenacted as follows:

21 §262. Special attorney or counsel

22 A. In the event that the attorney general, or any state agency, board, or
23 commission, not including any public postsecondary education institution, is
24 represented by a special attorney or counsel, the special attorney or counsel shall not
25 be compensated for such representation on a contingency fee or percentage basis in
26 the absence of express statutory authority, including R.S. 17:100.10, R.S. 23:1669,
27 R.S. 37:2153 and 3730, R.S. 41:724 and 922, R.S. 42:1157.3, R.S. 46:15, R.S.
28 47:1512, 1515.3, 1516, 1516.1, and 1676. In retaining a special attorney or counsel,

1 preference shall be given to private attorneys licensed to practice law in this state and
2 law firms domiciled and licensed in this state.

3 * * *

4 Section 4. R.S. 44:4(51) and 4.1(24) are hereby amended and reenacted and R.S.
5 44:4(65) is hereby enacted to read as follows:

6 §4. Applicability

7 This Chapter shall not apply:

8 * * *

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

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

28 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1186 Reengrossed

2026 Regular Session

Jacob Landry

Abstract: Provides relative to the Uniform Construction Code, creates the Louisiana Uniform Construction Code Commission to oversee the code and licensing of inspectors.

Present law provides for a State Uniform Construction Code to be overseen by a La. Uniform Construction Code Council.

Proposed law repeals present law and creates a successor body, the La. Uniform Construction Code Commission, to adopt and amend the Uniform Construction Code and license inspectors.

Present law provides for which agencies the La. Bureau of Criminal Identification and Information shall make available information upon request.

Proposed law adds the La. Uniform Construction Code Commission to the list of agencies in present law.

Present law provides certain limitations on disciplinary proceedings by occupational boards and commissions, and boards and commissions are exempt from those limitations.

Proposed law adds the La. Uniform Construction Code Commission to the list of exempted commissions.

Proposed law provides for legislative purpose.

Proposed law defines certain terms.

Proposed law creates the La. Uniform Construction Code Commission and provides for how members shall be appointed and their term limits.

Proposed law provides for reimbursement of members for meetings and mileage.

Proposed law provides for removal of commission members and the filling of any vacancy.

Proposed law provides for the powers of the commission to adopt and review the Uniform Construction Code, for licensing of inspectors, to make certain contracts and collect certain fees, to promulgate rules, and to retain outside counsel.

Proposed law provides for the domicile of the commission in Baton Rouge, and the conduct and scheduling of meetings.

Proposed law provides for annual audits of the commission's finances.

Proposed law provides procedures for adopting, reviewing, and amending the building codes in the Uniform Construction Code.

Proposed law provides for legislative oversight.

Proposed law provides for which national codes shall be adopted into the Uniform Construction Code.

Proposed law provides the determination of dates for which applicable codes shall be used to inspect a building.

Proposed law provides for certain powers and duties of the state fire marshal.

Proposed law provides for the enforcement of the code by municipalities and parishes.

Proposed law provides for applicable standards for manufactured housing.

Proposed law requires lenders to file copies of the certificate of occupancy in the conveyance records of the parish where a new residential construction occurs.

Proposed law provides for responsibilities of municipalities and parishes in permitting and inspecting buildings.

Proposed law provides a list of certain industries for which facilities connected to those industries are exempt from the Uniform Construction Code.

Proposed law defines "farm structure" and "residential accessory structure" and exempts these structures from the Uniform Construction Code.

Proposed law provides that the codes and ordinances adopted by municipalities or parishes shall not interfere with or restrict utility providers.

Proposed law provides that proposed law shall not prohibit the La. Dept. of Health from regulating stored water temperatures in the sanitary code or regulating medical gas and medical vacuum systems.

Proposed law provides for local building officials to seek certain injunctive relief or mandamus to enforce the Uniform Construction Code.

Proposed law provides for agreements between public entities to enforce the provisions of the Uniform Construction Code.

Proposed law provides procedures for the appointment of building officials of local entities.

Proposed law provides for certain conflicts of interest that may bar a person from being licensed as a building official or inspector.

Proposed law provides for the types of licenses and license classifications, certain requirements to apply for and maintain those licenses and classifications, renewal procedures and time frames, and expiration of licenses.

Proposed law provides for penalties for providing false information to the commission in connection with seeking licensure or renewal.

Proposed law provides a public records exemption for certain financial or criminal background information submitted in connection with applications for licensure.

Proposed law provides a schedule of maximum licensing fees.

Proposed law requires licensees to keep information reported to the commission in regards to their license being current.

Proposed law provides for disciplinary measures for licensees for certain prohibited acts.

Proposed law provides for the appeal of disciplinary measures.

Proposed law for commission oversight of building and plans inspections.

Proposed law provides penalties for engaging in inspections or plans examination without a required license.

Proposed law provides for penalties for violations of proposed law, fines, and injunctive relief.

Proposed law provides that the commission may retain outside counsel for a contingency fee under certain circumstances.

Proposed law provides for exemptions to the Public Records Law.

Proposed law directs the La. State Law Institute to review all statutes in present law which contain phrases being changed by proposed law and make any necessary changes.

Certain portions of proposed law effective January 1, 2027.

(Amends R.S. 15:587(A)(1)(a), R.S. 37:21(B)(intro. para.), R.S. 42:262(A), and R.S. 44:4(51) and 4.1(24); Adds R.S. 37:21(B)(12) and (13) and 3727-3750 and R.S. 44:4(65); Repeals R.S. 40:1730.21- 1730.40.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Amend the definition of "private inspector" to include persons either contracted with or registered with a public entity to inspect buildings.
3. Amend provision relative to public meetings of the commission from providing the commission may hold public meetings to issue, approve, suspend, or revoke licenses to the commission shall hold such meetings.
4. Add provision relative to the commission collecting a fee on building permits issued by local government authorities to provide that such fees may be waived if that public entity waives its regular permit fees during a declared emergency.
5. Amend provision relative to fees assessed on permits issued by a public entity to provide that these fees shall be assessed on each permit issued, collected by the public entity, remitted to the commission, and that the amount of those fees shall be established annually by the commission.
6. Remove the International Fire Code from the list of codes to be adopted as the Uniform Code.
7. Amend the provision regarding applicability of building codes to provide that an inspection of a building shall be conducted using the requirements of the codes that were in effect for that locality on the date of the application for the original building permit.
8. Amend provisions regarding enforcement of the uniform code by municipalities and parishes to provide certain requirements for private inspectors registering with the local authority.

9. Require that inspection reports shall be provided to the local building official within 24 hours.
10. Provide for when a building official may reject an inspection or revoke an inspector's registration with a local authority.
11. Provide that any local jurisdiction which collects a fee for the placement of manufactured housing shall also confirm that all egress paths meet International Residential Code standards.
12. Amend provision regarding enforcement of plumbing provisions from providing that the local building official or an inspector designated by him may enforce plumbing provisions to shall enforce the plumbing provisions.
13. Amend provision relative to when an inspector need not be present on-site during an inspection to include reinspections where that inspector previously visited the site, and emergency utility reconnection inspections.
14. Provide for when a building official may accept location verified videos or photos submitted for an inspection report.
15. Amend the definition of "residential accessory structure" to provide that the definition does not include structures constructed in regions where the ultimate design windspeed required by the Uniform Code equals or exceeds 130 mph in hurricane-prone regions.
16. Amend provision relative to the application of the standards published by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program to residential construction to also apply to commercial construction.
17. Remove the provision allowing an inspector's license to be revoked, suspended, or penalized for habitually failing to provide requested inspections in a timely manner.
18. Amend provision relative to allowing an inspector to be penalized for enforcing a code official's preference not required by the Uniform Code in the method or manner of installation of certain appliances or equipment, to delete the mention of specific equipment and to make it a violation to enforce a code official's preference in any installation not required by the Uniform Code.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that criminal history records obtained from the Bureau of Criminal Identification relative to applicants for licenses shall be exempt from public disclosure.
3. Provide that the fee that may be collected by the La. Uniform Construction Code Commission on permits collected by a local government authority may be waived if that local authority issues a permit to itself or another governmental entity.
4. Provide that licensed contractors and homeowners exempted from the contractor licensing law provisions of present law may establish agreements with private inspectors to conduct plan reviews and enforce the uniform construction code.

5. Remove requirement that inspectors submit inspection reports to the proper jurisdiction within 24 hours.
6. Provide that all inspection reports and plan reviews are subject to approval or denial, in writing, by the local jurisdiction's Certified Building Official based on the current adopted code.
7. Remove provision that provided for rejection of an inspection if that inspection failed to identify code violations, or to revoke a private inspector's registration with a jurisdiction due to a pattern of failure to identify code violations, or for failure to submit inspection reports within 24 hours.
8. Provide exemption from liability for performance of discretionary acts by inspectors, officials, contract employees, or governmental enforcement agencies.
9. Provide that a licensed private inspector shall not perform a code inspection on any project in which he has a direct or indirect financial interest.
10. Provide that licensed private inspectors are not prohibited from holding other professional licenses, provided there is no conflict of interest with respect to a specific project.
11. Amend requirement for inspector license applicants to show proof of net worth from a net worth of at least \$50,000 to a net worth of \$10,000.
12. Amend requirement that notice be provided to inspector license applicants to provide that notice of any denial, suspension, or revocation be provided to the applicant within 10 business days, including the specific grounds for that action and notice of the applicant's right to appeal.