

Regular Session, 2012

HOUSE BILL NO. 541

BY REPRESENTATIVE ST. GERMAIN

FIRE PROTECT/FIRE MARSHAL: Provides for fire marshal review of plans and specifications for health care facilities and residential living options

1 AN ACT

2 To amend and reenact R.S. 40:1563(G)(1), to enact R.S. 40:1563(L), and to repeal R.S.  
3 40:2017.11, relative to the review of plans or specifications; to authorize the fire  
4 marshal to review plans for health care facilities and residential living options; to  
5 authorize the fire marshal to charge fees for conducting plan reviews; to establish the  
6 basis for the fee to conduct plan reviews; to repeal fees for review of plans or  
7 specifications; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1563(G)(1) is hereby amended and reenacted and R.S. 40:1563(L)  
10 is hereby enacted to read as follows:

11 §1563. Powers and duties generally; use of deputies; responsibilities of local  
12 governing authorities with fire prevention bureaus; open structures and  
13 process structures; fees

14 \* \* \*

15 G.(1) The fire marshal shall have authority to charge fees for conducting  
16 plan reviews and inspections, both as to private persons, and the state. Such fees  
17 shall be designed to cover, but not exceed, the actual cost of the plan reviews or  
18 inspections. The ~~inspection~~ fee shall be based on the time required for the plan  
19 review or inspection multiplied by 2.5 times the average hourly pay rate for plan  
20 reviewers or inspectors; provided however, all nonpublic elementary and secondary  
21 schools shall be exempt from the payment of such fees imposed herein.

22 \* \* \*

1           L. The fire marshal shall have authority to conduct plan reviews for plans or  
 2           specifications for facilities licensed or certified by the Department of Health and  
 3           Hospitals which are submitted for review to the fire marshal pursuant to rules  
 4           promulgated by the department, both as to private persons and the state.  
 5           Section 2. R.S. 40:2017.11 is hereby repealed in its entirety.  
 6           Section 3. This Act shall become effective upon signature by the governor or, if not  
 7 signed by the governor, upon expiration of the time for bills to become law without signature  
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 10 effective on the day following such approval.

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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)]

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St. Germain

HB No. 541

**Abstract:** Authorizes the fire marshal to charge a fee for conducting reviews for certain plans or specifications for facilities licensed or certified by the Dept. of Health and Hospitals.

Present law (R.S. 40:1563(G)(1)) authorizes the fire marshal to charge fees for conducting inspections, both as to private persons, and the state. Specifies, that such fees must cover, but not exceed, the actual cost of the inspections. Further, specifies that the inspection fee must be based on the time required for the inspection multiplied by 2.5 times the average hourly pay rate for inspectors; provided however, all nonpublic elementary and secondary schools are exempt from the payment of such fees imposed.

Proposed law retains present law and further authorizes the fire marshal to charge fees for plan reviews. Specifies that such fees cannot exceed the actual cost of the plan review. Further, specifies that the fee must be based on the time required to conduct the plan review multiplied 2.5 times the average hourly pay rate for plan reviewers.

Proposed law (R.S. 40:1563(L)) authorizes the fire marshal to conduct plan reviews for plans or specifications for facilities licensed or certified by the Dept. of Health and Hospitals which are submitted for review to the fire marshal pursuant to rules promulgated by the department, both as to private persons and the state.

Present law (R.S. 40:2017.11) provides for a charge of \$5 per page for all plans or specifications for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options which are submitted for review to the Dept. of Health and Hospitals or its designee pursuant to rules promulgated by the department. Further, provides for a minimum charge of \$25 and a maximum charge of \$300, plus a postage and handling fee of \$10. Requires that these costs be paid prior to review by the owner of the project for which the review is requested.

Proposed law repeals present law in its entirety.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1563(G)(1); Adds R.S. 40:1563(L); Repeals R.S. 40:2017.11)