

Regular Session, 2008
HOUSE BILL NO. 920
BY REPRESENTATIVE FANNIN

ACT No. 830

1 AN ACT

2 To amend and reenact R.S. 40:1730.22(A), 1730.23(A) and (C), 1730.24(B), 1730.25,
3 1730.30(A) and (B), and 1730.35(B), relative to the Louisiana State Uniform
4 Construction Code; to prohibit a per diem or other compensation for the Louisiana
5 State Uniform Construction Code Council; to provide for registration of third-party
6 providers; to prohibit officers or providers from conducting a plan review or
7 inspections in certain circumstances; to provide for discretionary acts by government
8 agencies, employees, and officials; to define residential accessory structure; to
9 exempt certain residential accessory structures from regulation; to provide for
10 changes to the application and issuance of certificates of registration; and to provide
11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 40:1730.22(A), 1730.23(A) and (C), 1730.24(B), 1730.25,
14 1730.30(A) and (B), and 1730.35(B) are hereby amended and reenacted to read as follows:

15 §1730.22. Louisiana State Uniform Construction Code Council; membership;
16 function of council; meeting requirements; immunity

17 A. The Louisiana State Uniform Construction Code Council, hereinafter
18 referred to as the "council", is hereby created and shall consist of nineteen members.
19 Each member of the council shall be appointed by the governor, subject to Senate
20 confirmation, and shall serve at the pleasure of the governor. No member of the
21 council shall receive per diem or other compensation for their duties on the
22 ~~commission~~ council.

23 * * *

1 §1730.23. Enforcement of building codes by municipalities and parishes

2 A. Notwithstanding any other law to the contrary relating to the authority of
 3 local governments to enforce construction codes, all municipalities and parishes in
 4 this state shall enforce only the construction codes provided for in this Part. All
 5 municipalities and parishes shall use building code enforcement officers or certified
 6 third-party providers contracted by the municipality, parish, or regional planning
 7 commission to act in the capacity of a building code enforcement officer to enforce
 8 the provisions of this Part. Enforcement procedures by building code enforcement
 9 officers or third-party providers acting in the capacity of a building code
 10 enforcement officer shall include examination or review of plans, drawings, or
 11 specifications; the conducting of inspections; and the issuance, denial, or revocation
 12 of permits. A building code enforcement officer, third-party provider, or third-party
 13 provider contracted by a jurisdiction as provided for in R.S. 40:1730.24(A) shall not
 14 conduct plan review or inspections on a commercial or residential structure if such
 15 officer or provider owns any interest in the legal entity that constructed such
 16 commercial or residential structure or receives any compensation from the legal
 17 entity other than the fees that are charged for plan review or inspections. Nothing
 18 in this Subsection shall be construed to prevent a commercial or residential
 19 contractor or homeowner from using a third-party provider as provided for in R.S.
 20 40:1730.24(B).

21 * * *

22 C. In connection with the construction of any building, structure, or other
 23 improvement to immovable property, neither the performance of any enforcement
 24 procedure nor any provision of a building code shall constitute or be construed as a
 25 warranty or guarantee by a governmental enforcement agency as to durability or
 26 fitness, or as a warranty or guarantee by a governmental enforcement official or a
 27 third-party provider who contracts with a municipality or parish as provided for in
 28 R.S. 40:1730.24(A), that said building, structure, or other improvement to
 29 immovable property or any materials, equipment, or method or type of construction
 30 used therein is or will be free from defects, will perform in a particular manner, is

1 fit for a particular purpose, or will last in any particular way. In the enforcement of
 2 any provision of a construction code provided for in this Part, or any regulations
 3 governed by R.S. 33:4771 et seq., the performance or non-performance of any
 4 procedure by a governmental enforcement agency, contract employee, or official
 5 shall be deemed to be a discretionary act and shall be subject to the provisions of
 6 R.S. 9:2798.1.

7 * * *

8 §1730.24. Agreements with other governmental entities for provision of services;
 9 private agreements

10 * * *

11 B. Commercial and residential contractors and homeowners who are
 12 excepted from the contractor licensing law under R.S. 37:2170 may establish
 13 agreements with certified third-party providers to conduct plans review and
 14 inspections and enforce the ~~State Uniform Construction Code~~ state uniform
 15 construction code. On and after January 1, 2007, a third-party provider shall meet
 16 the requirements imposed by the council for certificates of registration; however,
 17 beginning January 1, 2008, upon application and fulfillment of all other requirements
 18 necessary to obtain a certificate of registration, a third-party provider who is a
 19 Louisiana licensed architect or engineer shall be granted a certificate of registration
 20 without certification by a recognized code organization ~~for their specialty work only~~.
 21 Once the council meets for the first time, certified third-party providers shall notify
 22 the council of their intention to do business within the state, and the council shall
 23 maintain a listing of all certified third-party providers.

24 * * *

25 §1730.25. Appointment of building official or contractual arrangement for such
 26 services; affidavit for exemption

27 Each parish and municipality shall appoint a council-certified building
 28 official or contract with other governmental entities or third parties as authorized in
 29 R.S. 40:1730.24 of this Part so that the unincorporated area of the parish is under the
 30 jurisdiction of a council-certified building official. A parish or municipality may use

1 a certified building inspector in lieu of a certified building official for a period not
 2 to exceed four years from the date the state uniform construction code becomes
 3 effective in the parish or municipality. No building official or certified building
 4 inspector shall be appointed if he has any interest in any legal entity that performs
 5 commercial or residential construction within the jurisdiction in which he would be
 6 appointed. Nothing in this Part shall prevent a municipality or parish from
 7 appointing and employing other council-certified personnel and assistants necessary
 8 to perform the required inspections and technical duties and prescribing fees for
 9 construction permits and inspections as provided by law.

10 * * *

11 §1730.30. Regulation of construction or improvement of farm, ~~or recreational,~~ and
 12 residential accessory structure structures; authority to issue building permits

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

19 (2) For purposes of this Section, "residential accessory structure" means a
 20 structure not exceeding five hundred square feet in footprint, and not attached to a
 21 residence that is used as an accessory to the primary use of the residence, and not
 22 constructed in regions where the basic wind speeds from Figure R301.2(4) of the
 23 International Residential Code, as promulgated by the council, equal or exceed one
 24 hundred miles per hour, or forty-five meters per second, in hurricane-prone regions
 25 or one hundred ten miles per hour, or forty-nine meters per second, elsewhere.

26 B. The governing authority of a parish or municipality ~~may~~ shall not enforce
 27 that portion of the state uniform construction code which regulates the construction
 28 or improvement of a farm structure or private outdoor recreational structure, other
 29 than a residence or structure attached to a residence, such as a hunting or fishing
 30 camp or residential accessory structure. However, a municipality with a population

