

Regular Session, 2007

ACT No. 335

HOUSE BILL NO. 704

BY REPRESENTATIVES PINAC, KENNEY, AND WALSWORTH AND SENATORS
MARIONNEAUX AND MCPHERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 40:1730.22(A) and (B), 1730.23(A) and (B), 1730.24(B),
1730.26(1), and 1730.28(A)(introductory paragraph) and (3) and to enact R.S.
40:1730.28(C), relative to the state uniform construction code; to provide for
members of the Louisiana State Uniform Construction Code Council; to provide for
enforcement by parishes and municipalities; to provide for an exception for
manufactured housing; to provide for agreements with third-party providers; to
provide for third-party provider qualifications; to provide for mandatory portions of
the International Residential Code; to amend the energy part of the International
Residential Code; to provide for adoption of the 2006 International Residential Code
with an amendment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.22(A) and (B), 1730.23(A) and (B), 1730.24(B), 1730.26(1),
and 1730.28(A)(introductory paragraph) and (3) are hereby amended and reenacted and R.S.
40:1730.28(C) is hereby enacted to read as follows:

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

A. The Louisiana State Uniform Construction Code Council, hereinafter
referred to as the "council", is hereby created and shall consist of nineteen members.

1 Each member of the council shall be appointed by the governor, subject to Senate
 2 confirmation, ~~for a term of three years and until a successor is appointed and~~
 3 ~~qualifies~~ and shall serve at the pleasure of the governor. No member of the council
 4 shall receive per diem or other compensation for their duties on the commission.

5 B. A vacancy must be filled in the manner of the original appointment ~~for~~
 6 ~~the unexpired portion of the term~~.

7 * * *

8 §1730.23. Enforcement of building codes by municipalities and parishes

9 A. Notwithstanding any other law to the contrary relating to the authority of
 10 local governments to enforce construction codes, all municipalities and parishes in
 11 this state shall enforce only the construction codes provided for in this Part. All
 12 municipalities and parishes shall use building code enforcement officers or certified
 13 third-party providers contracted by the municipality, parish, or regional planning
 14 commission to act in the capacity of a building code enforcement officer to enforce
 15 the provisions of this Part. Enforcement procedures by code enforcement officers
 16 or third-party providers acting in the capacity of a code enforcement officer shall
 17 include examination or review of plans, drawings, or specifications; the conducting
 18 of inspections; and the issuance, denial, or revocation of permits. Nothing in this
 19 Subsection shall be construed to prevent a commercial or residential contractor or
 20 homeowner from using a third-party provider as provided for in R.S. 40:1730.24(B).

21 B. Nothing in this Part shall conflict with the Federal Department of Housing
 22 and Urban Development's regulations regarding manufactured housing construction
 23 or the provisions of R.S. 51:912.21 et seq., as it relates to manufactured housing
 24 installation. Further, it is the intent of the legislature that any service, renovation,
 25 repair, or warranty work performed on a manufactured home shall be handled under
 26 the appropriate federal standards governing manufactured housing construction or
 27 state standards governing installation, and all such work be under the jurisdiction of
 28 the Louisiana Manufactured Housing Commission. Additionally, the exemption for

1 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
2 as the state uniform construction code; adoption by reference

3 A. ~~The~~ Except as provided in Subsection C of this Section, the council shall
4 adopt and amend only the latest editions of the following as the state uniform
5 construction code:

6 * * *

7 (3)(a) International Residential Code, not including Parts I-Administrative,
8 V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards
9 referenced in that code are included for regulation of construction within this state.
10 The enforcement of such standards shall be mandatory only with respect to new
11 construction, reconstruction, additions to homes previously built to the International
12 Residential Code, and extensive alterations; however, a municipality, parish, or
13 regional planning commission may enforce Appendix J of the code at its option. The
14 appendices of that code may be adopted as needed, but the specific appendix or
15 appendices must be referenced by name or letter designation at the time of adoption,
16 with the exception of Appendix J, Existing Buildings and Structures, which ~~is hereby~~
17 adopted by this reference shall not be adopted by the council and may be adopted
18 and enforced only at the option of a parish, municipality, or regional planning
19 commission. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall
20 be amended as follows and shall only apply to the International Residential Code,
21 2003 edition:

22 ~~(a)~~(i) Amendment of R301.2.1.1 (Design Criteria).

23 ~~(b)~~(ii) Item 6, the American Concrete Institute, *Guide to Concrete Masonry*
24 *Residential Construction in High Winds Areas*, shall be added.

25 ~~(c)~~(iii) Item 7, Institute for Business & Home Safety, *Optional Code-plus*
26 *Fortified for Safer Living*, shall be added.

27 ~~(d)~~(iv) Item 8, Federal Alliance for Safe Homes, *Optional Code-plus*
28 *Blueprint for Safety*, shall be added.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____