

PUBLIC CHAPTER NO. 582**SENATE BILL NO. 1018****By Tracy****Substituted for: House Bill No. 1481****By Matheny**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 120, Part 1, relative to building regulations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding a new section thereto, as follows:

Section 68-120-118. (a) (1) All persons entering into employment after the effective date of this act as a municipal, county or state employed plumbing and/or mechanical inspector having jurisdiction to enforce the provisions of this chapter shall receive certification from the state fire marshal before enforcing applicable plumbing, mechanical and fuel gas codes. Plumbing and mechanical inspectors hired after the effective date of this act shall have up to twelve (12) months from the date of employment to receive certification. Municipal, county or state plumbing and mechanical inspectors employed on the effective date of this act shall be deemed to meet the certification qualifications of this chapter for three (3) years from the date of certification. On the expiration date of the three-year period, all plumbing and mechanical inspectors so deemed to meet the qualifications set out by subdivision (1) must meet all requirements of subdivision (2) in order to be recertified. An application for certification shall be filed with the state fire marshal on a form to be developed by the state fire marshal. The state fire marshal shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, relative to the standards and qualifications for certification. Such rules and regulations shall require proof satisfactory to the state fire marshal that the candidate understands all applicable plumbing, mechanical and fuel gas codes..

(2) The state fire marshal shall recognize and accept certification from the International Code Council (ICC) or the National Fire Protection Association as satisfying the standards and qualifications for certification of municipal, county and state employed plumbing and mechanical inspectors. The state fire marshal may also recognize and accept certification from other appropriate professional building code organizations. Upon the filing of the application required by subdivision (a)(1), accompanied by the requisite fee, and a resolution by the governing body of the employing municipality or county, or a certification from the employing state agency, affirming that the applicant is

performing the applicant's duties satisfactorily, the state fire marshal shall issue certification in the same form as provided for other applicants. Certification pursuant to this section shall not be a prerequisite for plumbing and mechanical inspector employment purposes, but the employing governmental entity must have all newly employed applicants certified within twelve (12) months of the date of employment.

(b) Certification as a plumbing and mechanical inspector shall be valid for a period of three (3) years from the date of issuance. The state fire marshal shall provide each certificate holder with a recertification application form at least sixty (60) days prior to the expiration of the certificate.

(c) Each application for recertification must be accompanied by a recertification fee as set by the state fire marshal. Such fee shall be reasonably related to the cost of maintaining certification and shall not be set at a level that would discourage compliance. All certificates shall be subject to late recertification for a period of sixty (60) days following their expiration date by payment of the prescribed fee, plus a penalty as set by the state fire marshal.

(d)(1) The state fire marshal may revoke the certification of any plumbing and mechanical inspector who does not properly enforce the provisions of this chapter. Any plumbing and mechanical inspector whose certification is revoked may appeal such revocation pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. No plumbing and mechanical inspector shall be authorized to enforce the provisions of this chapter while such official's revocation of certification is being appealed.

(2) In addition to any other penalty under law, any plumbing or mechanical inspection official who knowingly fails to enforce the provisions of this chapter, and such intentional failure poses an immediate danger to the life, safety or welfare of another, commits a Class B misdemeanor.

(e) Each certificate holder shall be issued a card designating that the holder is qualified to perform inspections pursuant to the provisions of this chapter. Each certificate holder shall carry such card in such certificate holder's possession whenever such certificate holder is performing inspections pursuant to this chapter. The certificate card shall be exhibited upon request of the owner or authorized representative of the owner of the premises to be inspected.

(f) The state fire marshal shall establish, or contract for, training courses which shall be made available to governmental employees with plumbing or mechanical responsibilities in order to enable them to acquire the knowledge and skills required to attain certification under this chapter.

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

SECTION 3. Prior to the initial implementation of any fees established pursuant to this act, the department, including, but not limited to, the state fire marshal, shall

testify before the Senate Government Operations Committee as to the amount of such fees and the basis for such amount.

SECTION 4. For purposes of promulgating rules and regulations this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: June 12, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of June 2007



PHIL BREDESEN, GOVERNOR