

Notice
Of
Rulemaking Hearing

Department of Commerce and Insurance
Division of Fire Prevention

There will be a hearing before the Commissioner of Commerce and Insurance or her designee to consider the promulgation of amendments of rules pursuant to T.C.A. §§ 62-102-113, 68-102-143 and 68-102-150. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in Conference Room A on the 5th floor of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9 a.m. (Central Time) on the 25th day of March, 2008.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact Emmett H. Turner, Assistant Commissioner for the Division of Fire Prevention at 500 James Robertson Parkway, Davy Crockett Tower, 3rd Floor, Nashville, Tennessee 37243, telephone (615) 741-2981.

Substance of Proposed Rules

Chapter 0780-02-01
Electrical Installations

Amendments

Rule 0780-02-01-.01 Scope is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The provisions of this chapter shall apply to:
 - (a) Installation of electrical conductors and equipment within or on public and private buildings or other structures, including manufactured homes, modular building units and recreational vehicles not otherwise exempt under the provisions of T.C.A. Title 68, Chapters 102 and 126; and floating buildings and other premises such as yards, carnivals, parking and other lots; and industrial substations.
 - (b) Installation of conductors that connect to the supply of electricity.
 - (c) Installations of other outside conductors on the premises.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Rule 0780-02-01-.02 Adoption by Reference is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for materials, installations, use of facilities, equipment, devices and appliances conducting, conveying,

consuming or using electrical energy in, or in connection with, any building, structure, or any premises located in this state shall be those prescribed in the National Electrical Code, 2008 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

Authority: T.C.A. §§68-102-113 and 68-102-143.

Part 1. of subparagraph (a) of paragraph (1) of rule 0780-02-01-.03 Approval of Electrical Products is amended by deleting the language of the part in its entirety and substituting instead the following language so that, as amended, the part shall read:

1. Bear a label, symbol, or other identifying mark of one of the following independent testing laboratories:

AMERICAN GAS ASSOCIATION LABORATORIES
8501 East Pleasant Valley Road
Cleveland, Ohio 44131

APPLIED RESEARCH LABORATORIES
5371 Northwest 161 Street
Miami, Florida 33014

CANADIAN STANDARDS ASSOCIATION (CSA)
178 Rexdale Boulevard
Rexdale, Ontario, Canada M9W 1R3

DETROIT TESTING LABORATORY, INC.
8720 Northend Avenue
Oak Park, Michigan 48237
(Power-operated dispensing devices for petroleum products only)

ETL TESTING LABORATORIES, INC.
Industrial Park
Cortland, New York 13045

FM APPROVALS LLC
1151 Boston-Providence Turnpike
Norwood, Massachusetts 02062

MET ELECTRICAL TESTING COMPANY, INC.
916 West Patapsco Avenue
Baltimore, Maryland 21230

TÜV SÜD AMERICA, INC.
10 Centennial Drive
Peabody, MA 01960

UNDERWRITERS LABORATORIES, INC.
333 Pfingsten Road
Northbrook, Illinois 60062

OR

Subparagraph (c) of paragraph (1) of rule 0780-02-01-.04 Inspections is amended by deleting the language of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (c) Inspectors may not charge mileage in excess of the standard travel reimbursement rate as determined by the Department of Finance and Administration for the State of Tennessee per mile each way for any special trip(s) requested by a property owner or contractor. This mileage charge must be approved in advance by the inspector's immediate supervisor.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Part 4. of subparagraph (a) of paragraph (2) of rule 0780-02-01-.04 Inspections is amended by deleting the language of the part in its entirety and substituting instead the following language so that, as amended, the part shall read:

- 4. Additions to existing installations, such as swimming pools, water well pumps to the wellhead, motor installations, additional rooms or spaces to existing buildings, grain drying equipment and out buildings.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Subparagraph (c) of paragraph (3) of rule 0780-02-01-.04 Inspections is amended by deleting the language of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (c) All grounding connections must be in compliance with Section 300.10 of the 2008 National Electrical Code except as set forth in the exceptions enumerated in this subparagraph.

Exception No. 1: Where that portion of an installation which constitutes service conductors and equipment is changed or modified.

Exception No. 2: Where all wiring or raceway is exposed.

Exception No. 3: The requirements of (a) above shall not apply where inspection is performed on raceway systems only.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Paragraph (6) of rule 0780-02-01-.04 Inspections is amended by deleting the language of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (6) Except as provided in rule 0780-02-01-.05(2) and for installers licensed in accordance with T.C.A. Title 69, Chapter 10, the inspector will not issue a certificate of approval on an installation performed by any person, firm, corporation or legal entity not duly licensed in accordance with T.C.A. Title 62, Chapter 6.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Subparagraph (b) of paragraph (4) of rule 0780-02-01-.05 Permits is amended by deleting the language of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (b) Except for a property owner's permit, proof of licensure pursuant to T.C.A. Title 62, Chapter 6 or T.C.A. Title 69, Chapter 10.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Paragraph (8) of rule 0780-02-01-.05 Permits is amended by deleting the language of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (8) A copy of the permit shall be placed in the service equipment enclosure as soon as such enclosure is installed.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Paragraph (2) of rule 0780-02-01-.07 Special Occupancies is amended by deleting the language of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (2) Conductors serving swimming pools which originate at a dwelling unit service equipment or sub-panel located on the interior of the dwelling unit may be installed utilizing the appropriate wiring methods contained in Chapter 3 of the 2008 National Electrical Code. The wiring method shall comply with Article 680, 2008 National Electrical Code regarding that portion of the installation on the exterior of the dwelling unit.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150

Rule 0780-02-01-.11 Dwelling Units is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Where installed as separate units, ovens and cooktop units shall be served by individual circuits.
- (2) Light fixtures in clothes closets 28" or less in depth shall be mounted on the ceiling or wall above the door. These fixtures shall be so located that the fixture is within four (4) inches of the intersection of the ceiling and entrance wall. Such fixtures shall be thermally protected and either incandescent recessed with solid lens or fluorescent with single bulb holder. Fixtures installed in closets of larger dimensions shall comply with the 2008 edition of the National Electrical Code.
- (3) Only designated circuits shall be energized following a "service entrance" inspection. Such an inspection shall only be valid for a period of forty-five (45) days from the date of inspection. Service entrance inspections shall be issued only for services of two hundred twenty-five (225) amps and above, except during extreme climatic conditions.
- (4) All electrical connection, including HVAC equipment, will be completed and inspected prior to final approval pursuant to *Tenn. Code Ann. §68-102-143(c) and (e)*, except as defined in item (3) of this section.
- (5) Except as provided in *Tenn. Code Ann. §68-120-111(b)*, no one-and-two family dwellings shall be approved for connection of new electric service unless such dwelling is equipped with at least one (1) smoke detector which, when activated, initiates an alarm audible in every sleeping room. Detectors shall be listed and installed in accordance with the manufacturer's installation instructions, unless such instructions conflict with applicable law.
- (6) Service equipment shall have only one (1) main means of disconnecting services of 225 amps or below.
- (7) The installation of receptacles for island counter spaces and peninsular counter spaces below the countertop shall be optional.
- (8) Receptacles are not required in the wall space behind doors which may be opened fully against a wall surface. Wall space measurement shall begin at the edge of the door when fully opened.
- (9) Occupancy of a dwelling is prohibited before final inspection has been completed and approved.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Paragraph (2) of rule 0780-02-01-.13 Work Space about HVAC Equipment is amended by adding the following language of a new subparagraph so that, as amended, the paragraph shall read:

- (2) Installation in crawl spaces underneath buildings.
 - (a) Entrance way providing access to equipment shall not be less than the largest piece of equipment to be replaced.
 - (b) There shall be a vertical clearance of at least four (4) feet and six (6) inches unobstructed crawl space to the unit.
 - (c) If the four (4) feet and six (6) inch clearance cannot be maintained, the unit shall be located no more than twelve (12) feet from the entrance opening and a clear unobstructed crawl space not less than thirty (30) inches in height and twenty-four (24) inches in width shall be maintained.
 - (d) Light fixtures in crawl spaces shall have guarded covers.

Authority: T.C.A. §§68-102-113, 68-102-143, and 68-102-150.

Rule 0780-02-01-.15 Used Manufactured Homes is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Manufactured homes shall have listed, enclosed-type service-entrance equipment located inside the manufactured home, with proper rated overcurrent protection for each branch circuit. Overcurrent protection for circuits of 20 amperes or less may be either circuit breakers, or plug fuses and fuse holders of Type "S", and shall be of the time-delay type. The manufactured home disconnecting means located inside shall be fed from an outside location with a feeder from the main service entrance for such manufactured home. If the supply or feeder from the main service to the disconnecting means located inside does not have a grounding conductor as required by Article 550 of the 2008 National Electrical Code, one shall be installed.
- (2) Inspection shall be both visual and mechanical; switch and receptacle plates and light fixtures will be removed to check conductor connections, insulation of splices, boxes, and general code requirements.
- (3) After the mechanical test and visual inspections have been made, a safety inspection certificate may be issued as determined by the inspector.

Authority: T.C.A. §§68-102-113, 68-102-143, 68-102-147, and 68-102-150.

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 31st day of January, 2008. (FS 01-18-08; DBID 813)