

**Department of State  
Division of Publications**

312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615.741.2650  
Fax: 615.741.5133  
Email: [register.information@tn.gov](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 02-05-10  
Notice ID(s): 1199  
File Date: 02/03/2010

**Hearing cancelled by Dept. of  
Commerce and Insurance on  
03/09/2010.**

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Department of Commerce and Insurance
<b>Division:</b>	Division of Fire Prevention
<b>Contact Person:</b>	Joseph Underwood
<b>Address:</b>	500 James Robertson Parkway Davy Crockett Tower, 3 <sup>rd</sup> Floor Nashville, TN 37243
<b>Phone:</b>	(615) 741-3899
<b>Email:</b>	<a href="mailto:Joseph.Underwood@tn.gov">Joseph.Underwood@tn.gov</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	500 James Robertson Parkway Davy Crockett Tower, 5 <sup>th</sup> Floor Nashville, TN 37243
<b>Phone:</b>	(615) 741-0481
<b>Email:</b>	<a href="mailto:Don.Coleman@tn.gov">Don.Coleman@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway Davy Crockett Tower, 1 <sup>st</sup> Floor Room 160		
Address 2:			
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	<del>04/01/10</del>		
Hearing Time:	<del>9:00 a.m.</del>	<input checked="" type="checkbox"/> X CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

--

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0780-02-01	Electrical Installations
<b>Rule Number</b>	<b>Rule Title</b>
0780-02-01-.03	Approval of Electrical Products
0780-02-01-.04	Inspections
0780-02-01-.05	Permits
0780-02-01-.20	Local Government Authorization to Perform Electrical Inspections

Chapter 0780-02-01  
Electrical Installations  
Amendments

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

NSF International  
789 N. Dixboro Road  
Ann Arbor, Michigan 48113

QPS Evaluation Services Inc.  
81 Kelfield Street, Unit 8,  
Toronto, Ontario, M9W 5A3

TÜV Rheinland of North America, Inc.  
12 Commerce Road  
Newtown, CT 06470

TÜV SÜD America, Inc.  
10 Centennial Drive  
Peabody, Massachusetts 01960

Underwriters Laboratories, Inc.  
333 Pfingsten Road  
Northbrook, Illinois 60062

or

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

Paragraph (1) 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:

- (1) Inspections of electrical installations will be conducted by deputy inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to T.C.A. § 68-102-143. In circumstances where the need arises as determined by the State Fire Marshal, or designee, supervisors of deputy inspectors are authorized to conduct inspections of electrical installations.
  - (a) Fees for such inspections for services, including all circuits connected thereto, based on total ascertainable ampere capacity, are specified in T.C.A. § 68-102-143. If the total ampere capacity is not ascertainable, the inspector may negotiate the fee based on the estimated number of required inspections; however, any such fee shall be subject to approval by the Department of Commerce and Insurance.
  - (b) Fees charged for additional inspections including inspections necessitated by rejections and inspections for circuits not previously connected to the service, shall be based on the ascertainable ampere capacity of the service or ascertainable ampere capacity of the previously unconnected circuit, and shall not exceed the maximum amounts specified in T.C.A. § 68-102-143.
  - (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 State Fire Marshal, or designee.

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

Paragraph (1) 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:

- (1) No electrical wiring on which an inspection is required by this chapter shall be installed without securing an electrical permit from the power distributor, local building official, State Fire Marshal, or other issuing agent authorized by the State Fire Marshal. The permit must be secured in the area where the work is to be performed; however, the permit may be secured from the State Fire Marshal's Nashville office for work to be performed statewide. Issuing agents may charge a fee of no more than five dollars (\$5.00) for the issuing of a permit.

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

Paragraph (4) 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:

- (4) When applying for a permit, an applicant shall present:
  - (a) A check or money order in the amount of the permit fee for inspection(s), payable to the Department of Commerce and Insurance of the State of Tennessee; and
  - (b) Except for a property owner's permit, proof of licensure pursuant to T.C.A. Title 62,

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

Rule 0780-02-01-.05 Permits is amended by adding the following language as a new paragraph so that, as amended, paragraph (9) of the rule shall read:

- (9) If a refund for a permit fee for inspection is requested, eighty-five (85%) percent of the permit fee, the fee that would have been paid to the inspector for the inspection, will be refunded. The remaining fifteen (15%) percent of the permit fee is non-refundable to cover administrative and processing costs. Requests for refunds must be made in writing to the Division on the applicable form completed in full with a copy of the issued permit and must be made prior to an inspection being performed.

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

Rule 0780-02-01-.05 Permits is amended by adding the following language as a new paragraph so that, as amended, paragraph (10) of the rule shall read:

- (10) A returned check will result in the revocation of an issued permit.

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

Paragraph (1) of rule 0780-02-01-.20 Local Government Authorization to Perform Electrical 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:

- (1) Purpose. Pursuant to T.C.A. § 68-102-143(b)(1), the State Fire Marshal may authorize a local government to conduct electrical inspections through the local government's appointed deputy inspectors. This inspection authority shall cover all types of buildings in accordance with the law, except for state owned properties and electric vehicle (EV) charging stations which are under the jurisdiction of the State Fire Marshal. Deputy inspectors appointed in such a manner are authorized to inspect electrical installations upon receipt of a request from the owner of the property or from any person, association or corporation supplying electrical energy to the installations, or from municipal governing bodies, or from the county legislative body of the county in which the installations are located and the inspectors for their compensation are authorized to charge for and received a fee for each inspection. This rule sets forth the criteria by which local governments may seek authorization to perform electrical inspections and procedures by which the State Fire Marshal may review such authorization.

Authority: T.C.A. §§ 68-102-113 and 68-102-143(b)(1).

Part 4. of subparagraph (b) of paragraph (2) of rule 0780-02-01-.20 Local Government Authorization to Perform Electrical 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. The names of all persons who are employed by the local government to perform electrical inspections and who have successfully completed the respective certification examinations of the International Association of Electrical Inspectors (IAEI- 1 & 2 Family and Electrical General or Electrical Commercial), the International Code Council (ICC- Residential Electrical Inspector and Commercial Electrical Inspector), or any other certification designations approved by the State Fire Marshal. All necessary certifications shall be obtained prior to performing electrical inspections.

Authority: T.C.A. §§ 68-102-113 and 68-102-143(b)(1).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 2-2-2010

Signature: *Joseph Underwood*

Name of Officer: Joseph Underwood

Title of Officer: Assistant General Counsel for Fire Prevention



My Commission Expires SEPT. 7, 2010

Subscribed and sworn to before me on: 2-2-2010

Notary Public Signature: *Denisa Mann*

My commission expires on: Sept. 7, 2010

**Department of State Use Only**

Filed with the Department of State on: 2/3/10

*Tre Hargett*

Tre Hargett  
Secretary of State

RECEIVED  
2010 FEB -3 PM 2:38  
SECRETARY OF STATE  
PUBLICATIONS