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Sequence Number: 04-05-10
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 File Date: 04/09/2010

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.

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Division of Fire Prevention
Contact Person:	Joseph Underwood
Address:	500 James Robertson Parkway Davy Crockett Tower, 3 rd Floor Nashville, TN 37243
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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:

ADA Contact:	Don Coleman
Address:	500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, TN 37243
Phone:	(615) 741-0481
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway Davy Crockett Tower, 1 st Floor Room 160		
Address 2:			
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	06/09/10		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> <u>X</u> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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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.)

Chapter Number	Chapter Title
0780-02-01	Electrical Installations

Rule Number	Rule Title
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

Rule 0780-02-01-.03 Approval of Electrical Products 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) Approved Testing Laboratories.

(a) The Commissioner of Commerce and Insurance will accept as satisfactory (when properly installed or used) materials, equipment, devices, or applicants which:

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

2. Are certified by another independent testing agency or laboratory to meet a standard which, in the Commissioner's, or designee's, judgment, provides an adequate level of safety and
 - (i) Is nationally recognized as an electrical product safety standard;
 - (ii) Is periodically revised to accommodate the latest developments in electrical products and installations; and
 - (iii) Is developed by the publisher in a manner which affords adequate opportunity for presentation and consideration of views of industry groups, experts, users, consumers, governmental authorities, and others having broad experience in the field involved.
 - (b) Any standard which is accepted by the American National Standards Institute (ANSI) shall be deemed to satisfy the requirements of part 2 of subparagraph (a) above.
 - (c) Where there is no published standard for a product under consideration which meets the requirements of part 2 of subparagraph (a) above, the testing agency or laboratory must identify, and justify the adequacy of, the standard or specifications on which its certification is based.
 - (d) Components of certified products must be evaluated for compliance with applicable safety standards, and determined to be suitable for use in such products.
- (2) In lieu of evaluation by a testing agency or laboratory in accordance with paragraph (1)(a) above, the Commissioner, or designee, will consider other satisfactory evidence that a product meets safe and proper standards.

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 Commissioner, 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 review and approval by the Commissioner of Commerce and Insurance, or designee.
 - (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 Commissioner, or designee.

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

Rule 0780-02-01-.04 Inspections is amended by adding the following language as a new paragraph so that, as amended, paragraph (10) of the rule shall read:

- (10) The inspector will not issue a certificate of approval on an installation performed if a building permit has not been obtained where required.

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, Commissioner, or designee, or other issuing agent authorized by the Commissioner, or designee. The permit must be secured in the area where the work is to be performed; unless, the permit is secured from the Commissioner, or designee. 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 (2) 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:

- (2) Residential and Non-residential Property Owner's Permits
- (a) Any person may perform electrical work (for which an inspection is required) upon his/her own residence provided he/she first applies for and obtains a residential property owner's electrical permit. This permit shall only extend to the applicant and the immediate members of the applicant's family. The permit shall not authorize assistance by any other person not duly licensed in accordance with T.C.A. Title 62, Chapter 6. A residential property owner's permit shall automatically expire upon completion of the work for which the permit was issued. All work done under such permit shall be subject to regular inspection requirements and fees and other applicable laws and regulations. Only one (1) property owner's permit may be obtained within a twelve (12) month period unless the property owner can establish loss of his/her home by fire, windstorm, etc.; and,
- (b) Any non-residential property owner may obtain a permit for electrical work to be performed on his/her property by an employee(s) licensed pursuant to T.C.A. Title 62, Chapter 6, or T.C.A. Title 69, Chapter 10, who will be performing the work in accordance with his/her duties as an employee(s) of the property owner. A non-residential property owner's permit shall be limited to the specific property listed on the permit and shall automatically expire upon completion of the work for which the permit was issued. All work done under such permit shall be subject to regular inspection requirements and fees and other applicable laws and regulations.

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 residential property owner's permit, proof of licensure pursuant to T.C.A. Title 62, Chapter 6 or T.C.A. Title 69, Chapter 10. For a non-residential property owner's permit, the license number of the employee(s) to perform the work and certification that the employee(s) licensed pursuant to T.C.A. Title 62, Chapter 6 or T.C.A. Title 69, Chapter 10, will be performing the work in accordance with his/her duties as an employee(s) of the property owner.

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 new paragraph(s) so that, as amended, paragraphs (9) and (10) 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 of Fire Prevention on the applicable form completed in full with a copy of the issued permit and must be made prior to an inspection being performed.
- (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 Commissioner of Commerce and Insurance 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 Supply Equipment (EVSE)/electric vehicle charging stations which remain under the jurisdiction of the Commissioner. 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 Commissioner, or designee, 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 Commissioner, or designee. 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: 04/09/10

Signature: *Joseph Underwood*

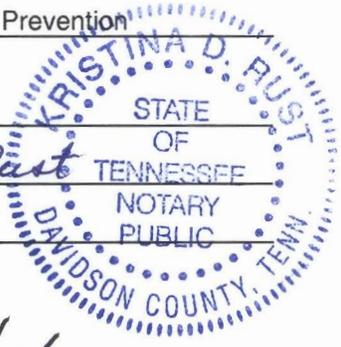
Name of Officer: Joseph Underwood

Title of Officer: Assistant General Counsel for Fire Prevention

Subscribed and sworn to before me on: 4/9/10

Notary Public Signature: *Kristina D. Rust*

My commission expires on: 3/10/12



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Filed with the Department of State on: 4/9/10

Tre Hargett

Tre Hargett
Secretary of State

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