

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: 06-30-10  
Rule ID(s): 4785  
File Date (effective date): 06/30/2010  
End Effective Date: 12/27/2010

# Emergency Rule Filing Form

*Emergency rules are effective from date of filing for a period of up to 180 days.*

|                                 |  |
|---------------------------------|--|
| <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<br>Davy Crockett Tower, 3 <sup>rd</sup> Floor<br>Nashville, TN |
| <b>Zip:</b>                     | 37243  |
| <b>Phone:</b>                   | (615) 741-3899   |
| <b>Email:</b>                   | <a href="mailto:Joseph.Underwood@tn.gov">Joseph.Underwood@tn.gov</a>                       |

**Rule Type:**

Emergency Rule

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

Amendment

New

Repeal

**Statement of Necessity:**

The Commissioner of Commerce and Insurance, pursuant to T.C.A. § 68-102-113, is authorized to make regulations consistent with statutory provisions for safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of buildings, structures or premises.

Pursuant to T.C.A. § 4-5-208(a)(1), the Commissioner of Commerce and Insurance is authorized to promulgate emergency rules in the event that an immediate danger to public health, safety or welfare exists, and the nature of this danger is such that the use of any other form or rulemaking authorized by the chapter would not adequately protect the public.

These rules are necessary for the Commissioner of Commerce and Insurance to ensure public safety. In 2009, the Department of Commerce and Insurance adopted the 2008 edition of the National Electrical Code (NEC) which contains a chapter specifically addressing Electric Vehicle Supply Equipment (EVSE). This was the first edition of the NEC to address this technology.

Tennessee (Nashville/Knoxville/Chattanooga triangle) is one of five (5) states where a significant number of EVSEs will be installed prior to and in conjunction with the launch of Nissan's electric vehicle, the LEAF, this fall. The use of these EVSEs in the Nashville/Knoxville/Chattanooga triangle will be studied to see how drivers use electric vehicles and the EVSEs as well as the effect of electrical vehicle charging on the electrical grid.

The large local exempted jurisdictions of Nashville, Knoxville, Memphis, and Chattanooga have not yet adopted the 2008 edition of the code and are operating under an older edition of the NEC. These rules will ensure public safety by requiring the electric vehicle charging technology to be installed and inspected in accordance with the 2008 edition of the NEC and seeing that those inspecting the installation of the EVSEs have the necessary training on the installation of this technology.

**Rule(s) Revised** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

| Chapter Number | Chapter Title  |
|----------------|--|
| 0780-02-01     | Electrical Installations   |
| Rule Number    | Rule Title   |
| 0780-02-01-.20 | Local Government Authorization to Perform Electrical Inspections |

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

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 electric installations in accordance with the law, except for state owned properties and Electric Vehicle Supply Equipment (EVSE) 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).

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.



Date: 6/16/10

Signature: Leslie Newman

Name of Officer: Leslie Newman

Title of Officer: Commissioner of Commerce and Insurance

Subscribed and sworn to before me on: 6/16/10

Notary Public Signature: Denise M Lewis

My commission expires on: 3/5/12

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.  
Robert E. Cooper, Jr.  
Attorney General and Reporter  
6-25-10

Date

**Department of State Use Only**

Filed with the Department of State on: 6/30/10

Effective for: 180 \*days

Effective through: 12/27/10

\* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett

Tre Hargett  
Secretary of State

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PUBLICATIONS

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Amendments to rule 0780-02-01-.20(1) clarify the Commissioner's sole authority to inspect electrical installations on state owned properties and establish the Commissioner's sole authority to inspect Electric Vehicle Servicing Equipments (EVSE).

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

There are no federal counterparts to the issues addressed by these rules.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Small businesses will likely not be significantly affected by these rules since they do not involve an increase in permit fees. These rules will simplify installation of Electric Vehicle Servicing Equipments (EVSE) across the state by ensuring uniform standards for inspection of this new technology. Local governmental entities will likely be impacted due to the pre-emption of EVSEs and clarification of Commissioner's authority to inspect electrical installations on state owned property.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

Attorney General's opinion 99-148 directly relates to the Commissioner's authority to inspect electrical installations on state owned property and states that local jurisdictions cannot.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules are expected to have a minimal fiscal impact on the Department: Local governmental entities should be minimally impacted apart from the inspections of the new technology involved with the EVSEs and the inspections of state owned property.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Marcus Pipkin, Director for Electrical Section, and Joseph Underwood, Staff Attorney for the Division, have substantial knowledge and understanding of these rules.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Marcus Pipkin, Director for Electrical Section, and Joseph Underwood, Staff Attorney for the Division, will explain the rules at any scheduled meeting of the Government Operations Committee.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Marcus Pipkin and Joseph Underwood may be reached at the Department of Commerce and Insurance, 500 James Robertson Parkway, 3<sup>rd</sup> Floor, Davy Crockett Tower, Nashville, Tennessee 37243, (615) 532-5805 or

(615) 741-3899.

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

**0780-02-01-.20 LOCAL GOVERNMENT AUTHORIZATION TO PERFORM ELECTRICAL INSPECTIONS.**

- (1) Purpose. Pursuant to T.C.A. § 68-102-143(b)(1), the ~~state fire marshal~~ 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 electrical installations in accordance with the law, except for state owned properties and Electric Vehicle Supply Equipment (EVSE) 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 ~~state fire marshal~~ Commissioner, or designee, may review such authorization.

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