

Department of State
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Sequence Number: 08-16-09
 Notice ID(s): 1409
 File Date: 08/12/2009

Notice of Public Hearing to Solicit Comments

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: Patrick Merkel
 500 James Robertson Parkway,
 Davy Crockett Tower, 5th Floor
Address: Nashville, TN 37243
Phone: 615-741-2199
Email: Patrick.merkel@tn.gov

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
 500 James Robertson Parkway,
 Davy Crockett Tower, 5th Floor
Address: Nashville, TN 37243
Phone: 615-741-0481
Email: Don.coleman@tn.gov

Hearing Locations (for additional locations, copy and paste table)

Address 1:	University of Tennessee Conference Center, 4th Floor Dining Room		
Address 2:	600 Henley Street		
City:	Knoxville, Tennessee		
Zip:	37902		
Hearing Date :	October 8, 2009		
Hearing Time:	1:00 p.m.	<input type="checkbox"/> CST <input checked="" type="checkbox"/> EST	
Address 1:	Chattanooga Marriott at the Convention Center, Ballroom H/I/J		
Address 2:	Two Carter Plaza		
City:	Chattanooga, Tennessee		
Zip:	37402		
Hearing Date :	October 9, 2009		
Hearing Time:	9:00 a.m.	<input type="checkbox"/> CST <input checked="" type="checkbox"/> EST	
Address 1:	West Tennessee Ag Research and Education Center, Room 150		
Address 2:	605 Airways Boulevard		
City:	Jackson, Tennessee		
Zip:	38301		
Hearing Date :	October 13, 2009		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST <input type="checkbox"/> EST	

Address 1:	Davy Crockett Tower, Room 160		
Address 2:	500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	October 15, 2009		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

There will be hearings before the Commissioner of Commerce and Insurance, or her designee, to solicit public comments on code adoption and the drafting of rules to implement the residential building code requirements for one-family and two-family dwellings of the "Tennessee Clean Energy Future Act of 2009" (Chapter 529 of Public Acts of 2009) which is codified in T. C. A. §§ 68-120-101.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0780-02-23	One and Two Family Dwellings
Rule Number	Rule Title
0780-02-23-.01	Adoption by Reference

Chapter 0780-2-23
One and Two Family Dwellings
New Rules

0780-02-23-.01 ADOPTION BY REFERENCE.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for one-family and two-family dwellings in the State of Tennessee shall be those prescribed in the following publications:
 - (a) ICC International Residential Code, 2006 edition, published by the International Code Council, Inc., 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, except for:
 - (i) Chapters 33-42, relating to Electrical.
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) an optional or recommended, rather than mandatory, standard or practice; or
 - (b) any agency, procedure, fees or penalties for administration or enforcement purposes.
- (3) The provisions of the code adopted by reference in paragraph (1) shall govern the manner in which:

- (a) the code is applied to new construction;
- (b) occupancies and types of construction are classified for the purpose of determining minimum code requirements; and
- (c) the specific requirements of the code may be modified to permit the use of alternate materials or methods of construction.

or

0780-02-23-.01 ADOPTION BY REFERENCE.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for one-family and two-family dwellings in the State of Tennessee shall be those prescribed in the following publications:
 - (a) ICC International Residential Code, 2009 edition, published by the International Code Council, Inc., 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001, except for:
 - (i) Section R313.2 of Chapter 3, relating to Automatic Fire Sprinkler Systems; and
 - (ii) Chapters 34-43, relating to Electrical.
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) an optional or recommended, rather than mandatory, standard or practice; or
 - (b) any agency, procedure, fees or penalties for administration or enforcement purposes.
- (3) The provisions of the code adopted by reference in paragraph (1) shall govern the manner in which:
 - (a) the code is applied to new construction;
 - (b) occupancies and types of construction are classified for the purpose of determining minimum code requirements; and
 - (c) the specific requirements of the code may be modified to permit the use of alternate materials or methods of construction.

Authority: T.C.A. §§ 68-120-101

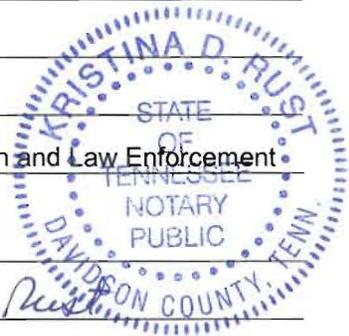
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of the public hearing as proposed by the agency.

Date: 8/11/09

Signature: *Patrick W. Merkel*

Name of Officer: Patrick W. Merkel

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement



Subscribed and sworn to before me on: 8/11/09

Notary Public Signature: *Kristina D. Rust*

My commission expires on: 3/10/12

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Filed with the Department of State on: 8/12/09

Tre Hargett

Tre Hargett
Secretary of State

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