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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Division of Fire Prevention
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

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/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

(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>)

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 or plans have not been approved by the Department of Commerce and Insurance 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 to the Division of Fire Prevention on the applicable form completed in full 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)
 - (a) 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 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. However, authorized local jurisdictions that have adopted the 2008 NEC or a subsequent code edition and have been trained on the installation of EVSEs by the Division of Fire Prevention of the Department of Commerce and Insurance will be allowed to inspect such installations.
 - (b) 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.
 - (c) If a conflict arises between the state fire marshal and the local government relative to the application or interpretation of the same or substantially identical electrical safety standards, then the determination of the state fire marshal shall supersede the conflicting application or interpretation by the local government.
 - (d) 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 this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner of Commerce and Insurance on 09/15/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/09/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 06/09/2010



Date: 09/15/2010

Signature: Leslie Newman

Name of Officer: Leslie Newman

Title of Officer: Commissioner of Commerce and Insurance

Subscribed and sworn to before me on: 9-15-2010

Notary Public Signature: Denisa Mann

My commission expires on: 8-24-2014

All rulemaking hearing 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.
Attorney General and Reporter

9-16-10
Date

Department of State Use Only

Filed with the Department of State on: 9/17/10

Effective on: 10/16/10

Tre Hargett
Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No public comments were made at the rulemaking hearing held on June 9, 2010, in the Davy Crockett Tower. The Department accepted written comments for an additional week (until the close of business on June 18, 2010); however, no written comments were submitted to the Department during this open period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Regulatory Flexibility Analysis:

1. Overlap, duplicate, or conflict with other federal, state, and local governmental rules:

There will be no overlap, duplication, or conflict with other federal, state or local governmental rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rule:

The rules are clear in purpose and intended execution, and they are not open to different interpretations.

3. Flexible compliance and/or reporting requirements for small businesses:

There are no changes in the proposed rules regarding reporting requirements for small businesses.

4. Friendly schedules or deadlines for compliance and/or reporting requirements:

There are no changes in the proposed rules regarding schedules or deadlines for compliance and/or reporting requirements pertaining to the electrical program.

5. Consolidation or simplification of compliance or reporting requirements:

There are no changes in the proposed rules in regards to consolidation or simplification of compliance or reporting requirements for the electrical program.

6. Performances standards for small businesses:

There are no changes in the proposed rules in regards to performances standards for small businesses.

7. Barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs:

The Department does not anticipate that these rules will stifle entrepreneurial activity or curb innovation. There will be no increase in costs for consumers purchasing electrical permits. These rules should make it easier for consumers to obtain electrical permits and should streamline the process for inspections of EVSE.

Economic Impact Statement:

1. Types of small businesses directly affected:

Small businesses involved in electrical inspections, electrical installations, and issuing agents of electrical permits will be affected by these rules.

2. Projected reporting, recordkeeping, and other administrative costs:

These rules should not increase the reporting, recordkeeping, or other administrative costs for small business.

3. Probable effect on small businesses:

The effect on small businesses involved in electrical installations by these proposed rules is expected to be minimal. There are no fee increases and consumers will now be able to obtain electrical permits directly from the Department if so desired. Employers of licensed individuals may obtain electrical permits for work conducted by such employees on their property.

4. Less burdensome, intrusive, or costly alternative methods:

The proposed changes and additions to the existing rules are minimally burdensome and intrusive to small businesses.

5. Comparison with federal and state counterparts:

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

6. Effect of possible exemption of small businesses:

In order to ensure the health, safety and welfare of the citizens of Tennessee, it is imperative that small businesses are held to the same standards as larger businesses regarding compliance with all state electrical installation requirements. These rules should benefit small businesses by providing additional locations in which to obtain electrical permits, and provides that employers of licensed individuals may obtain electrical permits for work to be conducted by such employees on their property, thus eliminating the necessity of contracting electrical work out to other entities. These rules could eventually lead to the Department developing online services in which consumers purchase electrical permits via the Department's website making the entire process more convenient and cost effective.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Local governments that have been approved to operate their own electrical inspection programs and have not adopted the 2008 NEC will be impacted by the preemption of inspections of Electric Vehicle Servicing Equipment (EVSE) installations.

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;

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.

The amendments include adding two independent testing laboratories to the list in rule 0780-02-01-.03(1)(a), QPS Evaluation Services Inc. and TÜV Rheinland of North America, Inc. The first proposed amendment to rule 0780-02-01-.04 provides that in circumstances where the need arises and at the discretion of the Commissioner, or designee, supervisors of deputy electrical inspectors are authorized to conduct inspections of electrical installations. Other amendments to rule 0780-02-01-.04 will require the Commissioner, or designee, to review and approve fees and mileage charges in advance. Also, a new provision, paragraph (10), will be added which provides that if the required building permit has not been properly obtained or plans have not been approved by the Department of Commerce and Insurance where required, then the inspector will not grant a certificate of approval for the electrical installation.

Proposed changes to rule 0780-02-01-.05(1) will allow the Commissioner to issue electrical permits and will provide that other entities, such as a power distributor, local building official, or other issuing agent, may charge a fee of no more than five (\$5.00) dollars for the issuing of a permit. Property owners will now be allowed to purchase permits for electrical work to be performed by their licensed employees on their property. Other amendments add two (2) new paragraphs to rule 0780-02-01-.05. Proposed new paragraph (9) provides that for refunds, eighty-five (85%) percent of the permit fee will be refunded while the remaining fifteen (15%) percent of the fee will be kept by the Division to cover administrative and processing costs. Proposed new paragraph (10) provides that returned checks will result in the revocation of an issued permit.

Amendments to rule 0780-02-01-.20(1) clarify the Commissioner's sole authority to inspect electrical installations on state owned properties and maintains the Commissioner's authority to inspect Electric Vehicle Servicing Equipment (EVSE) installations in jurisdictions that have not adopted the 2008 NEC and have not been trained on the installations of EVSE. Proposed amendments to rule 0780-02-01-.20(2)(b)4 provides that deputy electrical inspectors conducting inspections on behalf of local governments will be required to successfully complete 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. The proposed amendments also require that all necessary certifications be obtained prior to the local governments' deputy electrical inspectors conducting inspections of electrical installations. The proposed amendments also make a number of stylistic changes to the rules.

- (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;

Local governmental entities that have not adopted the 2008 NEC will be impacted by the preemption of inspections of Electric Vehicle Servicing Equipment (EVSE) installations and clarification of Commissioner's sole authority to inspect electrical installations on state owned property. Issuing agents will be impacted since the Department will be allowed to issue electrical permits directly to consumers. Consumers seeking refunds will be affected by the fifteen percent (15%) fee for administrative processing costs. Electrical inspectors will be affected by the changes regarding their supervisors and the administration of the electrical program. Employers of licensed individuals will be affected since they will now be able to obtain electrical permits for work to be

conducted by such employees on their property. No comments were received during the rulemaking comment period. The City of Knoxville contacted the Department regarding the preemption of EVSE installations after the public hearing.

- (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 sole authority in rule 0780-02-01-.20 to inspect 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 EVSE (if they have not adopted the 2008 NEC and have not received training on the installations of EVSE), and the issuing of permits directly by the Department.

- (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, 3rd Floor, Davy Crockett Tower, Nashville, Tennessee 37243, (615) 741-7170, Marcus.Pipkin@tn.gov or (615) 741-3899, Joseph.Underwood@tn.gov.

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

0780-02-01-.03 APPROVAL OF ELECTRICAL PRODUCTS.

(1) Approved Testing Laboratories.

(a) The ~~State Fire Marshal~~ 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 ~~State Fire Marshal~~ 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 ~~State Fire Marshal~~ 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.

0780-02-01-.04 INSPECTIONS.

- (1) Inspections of electrical installations will be conducted by deputy inspectors appointed under contract with the Commissioner of Commerce and Insurance pursuant to ~~Tenn. Code Ann. §68-102-143~~ 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

~~Tenn. Code Ann. § 68-102-143~~ 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 ~~Tenn. Code Ann. § 68-102-143~~ 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 ~~inspector's immediate supervisor~~ Commissioner, or designee.
- (2) (a) Inspections are required on:
1. Complete new installations.
 2. HVAC equipment.
 3. New services or changes in services to existing installations.
 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.
 5. Heat cable installations before being concealed by plaster, sheet rock, or other methods.
 6. Conduit or raceways in or under masonry before covering with concrete or other permanent materials.
 7. Conductors or raceways installed in all structures. This inspection is required prior to the concealing of such conductors or raceways by wall covering materials or by insulation.
 8. Temporary services.
- (b) A minimum of two inspections shall be required on wiring installed within or on public and private buildings or other structures. The installer shall notify the electrical inspector in writing whenever any part of a wiring installation is to be hidden from view by insulation or the permanent placement of part of the building. No wiring or raceways shall be concealed until it has been inspected and approved by the inspector. A final inspection shall be requested upon completion of the entire electrical installation.
- (3) When the initial ("rough-in") inspection is conducted:

- (a) All applicable circuit conductors and outlet boxes must be installed;
- (b) All joints shall be made; and
- (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.

- (4) The electrical or Mechanical Contractor is responsible for making sure the inspector has access to the job to be inspected.
- (5) The installer shall notify the inspector when the electrical installation is ready for inspection.
- (6) Except as provided in rule 0780-2-1-.05(2) and for installers licensed in accordance with Tenn. Code Ann. 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 Tenn. Code Ann. Title 62, Chapter 6.
- (7) It is not intended that electric service to an existing installation be disrupted pending inspection of additions or changes to such service; however, an inspection is required within seven (7) days of re-connection by the Power Supplier.
- (8) Whenever service equipment has been changed out or upgraded on any existing structures, a safety inspection will be conducted pursuant to *Tenn. Code Ann. §68-102-143(5)*.
- (9) Inspections are not required on:
 - (a) Minor repair work, such as replacement of lamps or connection of portable devices to suitable receptacles which have been permanently installed.
 - (b) Installation, alteration, or repair of electric wiring or equipment installed by an electrical distribution agency for use in the generation, transmission, distribution, or metering of electrical energy.
- (10) The inspector will not issue a certificate of approval on an installation performed if a building permit has not been obtained or plans have not been approved by the Department of Commerce and Insurance where required.

Authority: T.C.A. §§_68-102-113, 68-102-143, and 68-102-150.

0780-02-01-.05 PERMITS.

- (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 other issuing agent authorized by the ~~State Fire Marshal~~ Commissioner. The permit must be secured in the area where the work is to be performed; unless, the permit is secured from the Commissioner. Issuing agents may charge a fee of no more than five (\$5.00) dollars for the issuing of a permit.

- (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.

- (3) No permit will be required for installation of electrical systems by manufacturers of factory-manufactured structures, recreational vehicles, or modular building units; however, such manufacturers shall register with the Division of Fire Prevention of the Department of Commerce and Insurance, as required by *Tenn. Code Ann. §68-102-150*. This rule in no way exempts owners of any manufactured home, recreational vehicle or modular building unit from the required installation permit and inspection governed by this chapter.

- (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) fee, 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 ~~Tenn.-Code-Ann.~~ Tenn.-Code-Ann. Title 62, Chapter 6 or ~~Tenn.-Code-Ann.~~ Tenn.-Code-Ann. 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.

- (5) All electrical permits are non-transferable.
- (6) In the event of rejection of an electrical installation by the inspector, a new electrical permit must be applied for and obtained.
- (7) Every electrical permit shall expire two (2) years from the date of issue unless:
 - (a) the inspector determines that substantial progress has been made in the work authorized by the permit; and
 - (b) the permit holder is granted an exception after submitting a written request to the Director of the Electrical Section of the Division of Fire Prevention.

No electrical work for which a permit is required shall be commenced in any building or premises until a permit to perform such work is obtained.

- (8) A copy of the permit shall be placed in the service equipment enclosure as soon as such enclosure is installed.
- (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 due to administrative and processing costs. Requests for refunds must be made to the Division of Fire Prevention on the applicable form completed in full 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.

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

- (1) **Purpose.**
 - (a) 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. However, authorized local jurisdictions that have adopted the 2008 NEC or subsequent code edition and have been trained on the installation of EVSEs by the Division of Fire Prevention of the Department of Commerce and Insurance will be allowed to inspect such installations.
 - (b) 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.

(c) If a conflict arises between the state fire marshal and the local government relative to the application or interpretation of the same or substantially identical electrical safety standards, then the determination of the state fire marshal shall supersede the conflicting application or interpretation by the local government.

(d) 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.

(2) Initial Authorization.

(a) Prior to being authorized to perform electrical inspections, the local government, through the county executive, the county commission, the mayor or the city council, shall make a written request to the state fire marshal.

(b) The request shall be completed on a form approved by the state fire marshal and shall contain the following information:

1. The title(s) and edition(s) of the code(s) that will be adopted and enforced;
2. The number and types of inspections of each installation (final, rough-in, temporary, HVAC, service release, re-inspect) that will be conducted;
3. A detailed description of the permit issuance and record-keeping process for all inspection activities;
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 examinations designations approved by the Commissioner, or designee. All necessary certifications shall be obtained prior to performing electrical inspections.

(c) After receipt of the information required in paragraph (2)(b) of this rule, the state fire marshal will schedule a pre-authorization review to take place at the applying local government's office. During this review, the state fire marshal may review any and all records related to the local government's proposed electrical inspection program, including the certification records of persons employed to perform electrical inspections.

(d) If after consideration of the information required in paragraph (2)(b) of this rule and after the pre-authorization review the state fire marshal determines that the local government can adequately enforce electrical

codes and conduct electrical inspections, the state fire marshal may authorize the local government to conduct electrical inspections.

- (3) The local government's adopted electrical code publication shall be current within seven (7) years of the date of the latest edition thereof, unless otherwise approved by the state fire marshal.
- (4) Review of Local Government Authorization.
 - (a) For any local government that was authorized to conduct electrical inspections before January 1, 2005, the state fire marshal will conduct a review as soon as practicable of the local government's authorization to conduct electrical inspections to determine whether the local government is adequately enforcing the adopted electrical codes and is properly performing inspections.
 - (b) For any local government that is authorized to conduct electrical inspections on or after January 1, 2005, the state fire marshal will conduct a review of the local government's authorization to conduct electrical inspections to determine whether the local government is adequately enforcing the adopted electrical codes, is properly performing inspections and is otherwise in compliance with the information originally submitted to the state fire marshal for purposes of gaining authorization to perform electrical inspections. The review provided by this paragraph shall take place at least once every three (3) years.
 - (c) Each local government that is reviewed pursuant to this paragraph will be notified of the review in writing. When a local government is subject to the review provided by this paragraph, the local government shall submit the information required for initial authorization by paragraph (2)(b) of this rule on a form provided by the state fire marshal within thirty (30) days of its receipt of the form.
 - (d) As part of the review, the state fire marshal may also conduct an on-site visit to the local government to review the electrical permit and inspection process.
 - (e) The state fire marshal may request any other documentation it deems necessary for the local government to evidence compliance with the requirements for initial authorization set forth in paragraph (2)(b) of this rule.
 - (f) Report of Review.
 1. After conclusion of the review, the state fire marshal will notify the local government in writing whether there are any area(s) in which the local government is not adequately enforcing the adopted electrical codes or properly performing inspections.
 2. If the local government is not adequately enforcing the adopted electrical codes or properly performing inspections, the notification will contain recommended corrective action, and the local government will be directed to submit a plan of corrective action to the state fire marshal within thirty (30) days after its receipt of the notification. The plan of corrective action shall be

sufficiently detailed so as to ensure compliance with all requirements for initial authorization.

3. Within thirty (30) days after receipt of the local government's plan of corrective action, the state fire marshal shall either approve or disapprove the plan. If the plan is approved, the state fire marshal may conduct periodic follow-up reviews to ensure continued compliance with the plan. If the plan is not approved, the state fire marshal may remove the local government's authorization to conduct electrical inspections.

| **Authority:** T.C.A. §§_68-102-113 and 68-102-143(b)(1).