

Notice
Of
Rulemaking Hearing

Department of Commerce and Insurance
Division of Fire Prevention

There will be a hearing before the Commissioner of Commerce and Insurance or her designee to consider the promulgation of amendments of rules pursuant to T. C. A. §§ 68-102-113 and 68-120-101. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T. C. A. § 4-5-204, and will take place in Room 160 on the first floor of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. (Central Time) on the 19th day of March, 2008.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact Emmett Turner, Assistant Commissioner for the Division of Fire Prevention at 500 James Robertson Parkway, Davy Crockett Tower, 3rd Floor, Nashville, Tennessee 37243, telephone (615) 741-2981.

Substance of Proposed Rules

Chapter 0780-02-02
Codes and Standards
Amendments

Paragraph (1) of rule 0780-02-02-.01 Adoption by Reference is amended by deleting the text of subpart (a) of the paragraph in its entirety and substituting instead the following language so that, as amended, subpart (a) of the paragraph shall read:

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection and building construction safety in the State of Tennessee shall be those prescribed in the following publications:
 - (a) Except for Chapter 11 pertaining to accessibility and Chapter 27 pertaining to electrical requirement and the International Electrical Code, ICC International Building Code, 2006 edition, including ICC International Mechanical Code, 2006 edition, published by the International Code Council, Inc., 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001.

Authority: T. C. A. §§68-102-113(a) and 68-120-101.

Subparagraph (a) of Paragraph (1) of rule 0780-02-02-.04 Conflicts is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) the provisions of the International Building Code shall prevail if such conflict of inconsistency relates to height, area restrictions or construction type; and

Chapter 0780-02-03
Review of Construction Documents and Specifications

Amendments

Subparagraph (e) of Paragraph (1) of rule 0780-02-03-.01 Definitions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (e) Detention and correctional occupancy, business occupancy, residential occupancy, place of assembly and covered mall shall be defined as in the 2006 edition of the Life Safety Code (NFPA No. 101-2006). High hazard industrial facility shall be defined as in the 2006 edition of the International Building Code for subclasses H-1 and H-2 only. Storage of high hazard materials shall not be considered as a high hazard industrial occupancy.

Authority: T. C. A. §§68-102-113(a) and 68-120-101.

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 25th day of January, 2008. (01-11-08; DBID 807, 808)

Economic Impact Statement:

1. Types of small businesses directly affected:

Small design and design/construction firms may be affected by these rules.

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

There is no foreseeable alteration in small business record-keeping that will result from the promulgation of these rules, although effected businesses will eventually be required to purchase update building code materials.

3. Probable effect on small businesses:

These proposed rules will directly effect small businesses for which adherence to current building codes is essential.

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

The Division knows of no other alternative method to achieve the goals exhibited by these rules.

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:

There will be no exemptions created by these rules.