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Sequence Number: 07-06-14  
Notice ID(s): 2190  
File Date: 7/9/14

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

**Agency/Board/Commission:** Tennessee Department of Commerce and Insurance  
**Division:** Division of Fire Prevention  
**Contact Person:** Joseph Underwood, Chief Counsel for Fire Prevention & Law Enforcement  
**Address:** 500 James Robertson Parkway, Davy Crockett Tower, 8th Floor  
**Phone:** 615-741-3899  
**Email:** Joseph.Underwood@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  
**Address:** 500 James Robertson Parkway, 12th Floor, Davy Crockett Tower  
**Phone:** 615-741-6500  
**Email:** Don.Coleman@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	500 James Robertson Pkwy		
Address 2:	Davy Crockett Tower, Conference Room 1-A		
City:	Nashville		
Zip:	37243		
Hearing Date :	09/02/14		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**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-.21	Inspection Fees
0780-02-01-.22	Boat Docks and Marinas

(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>)

Amendment  
Chapter 0780-02-01

Subparagraph (a) of Paragraph (1) of Rule 0780-02-01-.03 Approval of Electrical Products shall be amended by deleting the existing subparagraph in its entirety and substituting the following, so that, the new subparagraph shall read as follows:

(1)

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

1. Display 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

SGS North America Inc.  
620 Old Peachtree Road, Suite 100  
Suwanee, GA 30024

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 by being:
  - (i) recognized nationally as an electrical product safety standard;
  - (ii) revised periodically to accommodate the latest developments in electrical products and installations; and
  - (iii) 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.

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

Paragraph (2) of Rule 0780-02-01-.03 Approval of Electrical Products shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph shall read as follows:

- (2) In lieu of evaluation by a testing agency or laboratory in accordance with paragraph (1)(a) above, the Commissioner of Commerce and Insurance, or designee, may consider other satisfactory evidence that a product meets safe and proper standards.

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

Paragraph (1) of Rule 0780-02-01-.04 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph shall read as follows:

- (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 of Commerce and Insurance, 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 rule 0780-02-01-.21. 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, prior to issuance of a permit.
  - (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 rule 0780-02-01-.21.
  - (c) Inspectors may not charge mileage in excess of the standard travel reimbursement rate, as determined by the Tennessee Department of Finance and Administration, 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 of Commerce and Insurance, or designee.

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

Paragraph (6) of Rule 0780-02-01-.04 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph shall read as follows:

- (6) Except as provided in rule 0780-02-01-.05(2) and for installers licensed in accordance with T.C.A. Title 69, Chapter 10, the inspector shall not issue a final certificate of approval on an installation performed by any person, firm, corporation or legal entity not duly licensed in accordance with T.C.A. Title 62, Chapter 6.

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

Paragraph (10) of Rule 0780-02-01-.04 Inspections shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph shall read as follows:

- (10) The inspector shall not issue a final certificate of approval on an installation if a building permit has not been obtained, if required, plans have not been reviewed and approved by the Department of Commerce and Insurance, if required, or all inspections have not been performed pursuant to rule 0780-02-23-.07.

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

Chapter 0780-02-01 is amended by adding new rule 0780-02-01-.21 Inspection Fees which shall read as follows:

0780-02-01-.21 Inspection Fees

The inspection fee for each inspection for services shall not exceed the following:

	<u>Fee</u>
Final Inspection	
0-200 ampere capacity	\$27.00
201-400 ampere capacity	\$40.00
401-600 ampere capacity	\$50.00
601-1000 ampere capacity	\$90.00
1,001 ampere capacity and above ("Nonstandard permit")	Fee is negotiable; however, any such fee shall be subject to review and approval by the commissioner, or designee.
Rough-in Inspection	
0-1,000 ampere capacity	\$27.00
1,001 ampere capacity and above	\$35.00
Re-inspection	
Based on rejection of 0-1,000 ampere capacity	\$27.00
Based on rejection of 1,001 ampere capacity and above	\$35.00
Inspection of a dwelling unit's heating and/or cooling system (e.g. HVAC)	\$27.00
Consultation Inspection (optional/available upon request)	\$50.00
Service Release Inspection (valid for 45 days)	Fee is based on ampere capacity of service.
Inspection of Boat Docks and Marinas	Fee is negotiable based upon the number of subpanels, panels and the ampere capacity of service; however, any such fee shall be subject to review and approval by the commissioner, or designee.

Authority: T.C.A. §§ 68-102-113, 68-102-143(b)(2), 68-102-602 and 68-102-603.

Chapter 0780-02-01 is amended by adding Rule 0780-02-01-.22 Boat Docks and Marinas which shall read as follows:

0780-02-01-.22 Boat Docks and Marinas.

- (1) Safety inspections of boat docks and marinas shall include, but are not limited to, a review of all sources of electrical supply, including ship-to-shore power pedestals, submergible pumps, and sewage pump-out facilities, that could result in unsafe electrical current in the water for the purpose of ensuring compliance with the standards for maintenance of electrical wiring and equipment that were applicable to the marina at the time of installation.
- (2)
  - (a) In the event that a deficiency is found during a safety inspection, any subsequent inspection required for the inspection of repairs made to address such deficiency shall be conducted by a deputy electrical inspector commissioned under T.C.A. § 68-102-143, and in accordance with T.C.A. § 68-102-143 and Tenn. Comp. R. & Regs. 0780-02-01.
  - (b) The permit fee for inspection of boat docks and marinas are negotiable based upon the number of subpanels, panels and the ampere capacity of service; however, any such fee shall be subject to review and approval by the Commissioner of Commerce and Insurance, or designee.
- (3) Any main overcurrent protective device, installed or replaced on or after April 1, 2015, that feeds a marina shall have ground-fault protection not exceeding one hundred milliamperes (100 mA). Ground-fault protection not exceeding one hundred milliamperes (100 mA) of each individual branch or feeder circuit shall be permitted as a suitable alternative. Each marina operator may determine the devices that it will utilize to achieve the one hundred milliamperes (100 mA) limit that is required herein, including, but not limited to, the use of equipment leakage circuit interrupters or ground fault circuit interrupters.
- (4) Inspections shall be performed in accordance with the adopted electrical code edition effective at the time of installation. If the time of installation cannot be determined, the installation will be inspected in accordance with Article 555 in the edition of the National Electrical Code adopted in rule 0780-02-01-.02, unless otherwise authorized by the Commissioner of Commerce and Insurance, or designee.

Authority: T.C.A. §§ 68-102-113, 68-102-143(b)(2), 68-102-602 and 68-102-603.

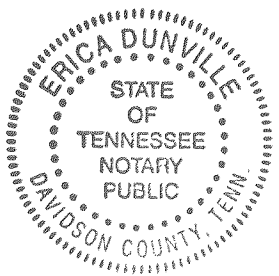
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/9/2014

Signature: *Joseph Underwood*

Name of Officer: Joseph Underwood

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



Subscribed and sworn to before me on: 7/9/14

Notary Public Signature: *Erica Dunville*

My commission expires on: 11/3/15

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Filed with the Department of State on: 7/9/14

*Tre Hargett*  
Tre Hargett  
Secretary of State

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