

Emergency Rules
of the
Department of Commerce and Insurance – 0780
Division of Fire Prevention

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

Pursuant to T.C.A. §68-102-113, I am promulgating emergency rules amending the inspection and plan review of existing buildings that are intended to house educational occupancies, either in whole or in part. The emergency rules are necessary to protect the safety of pre-kindergarten students who are to be enrolled in programs to be held in facilities that were not originally constructed for the purpose of education before rulemaking hearing rules can be promulgated and enforced.

I have made a finding that there is an emergency creating a danger to the public welfare. There will not be sufficient procedures in place in order to ensure in a timely manner that the safety of pre-kindergarten students is adequate. This oversight would need to be completed before certain non-educational occupancies are used to enroll these students. Therefore, unless emergency rules providing procedures for inspection and approval of these proposed educational sites are established, there would be no adequate regulation of minimum statewide construction safety codes for non-educational facilities that are being used for pre-kindergarten education. This lack of enforcement of applicable codes constitutes a danger to the health, safety and welfare of certain students across the state.

For copies of the entire text of the proposed amendments, contact: Emmett H. 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.

Leslie A. Newman
Commissioner and State Fire Marshal
Tennessee Department of Commerce and Insurance

Chapter 0780-02-03
Review of Construction Plans and Specifications
Amendments

Paragraph (1) of rule 0780-02-03-.01 Definitions is amended by adding the text of subparagraphs (g), (h) and (i) so that, as amended, the paragraph shall read:

- (1) As used in this chapter, unless the context otherwise requires:
 - (g) In addition to the definitions provided by the 2006 edition of the Life Safety Code (NFPA No. 101-2006), existing building means any building that has been occupied continuously for a period of at least twelve (12) months without changing its occupancy classification.
 - (h) Limited plans review means the submission of construction documents based on as-built plans and specifications in accordance with the provisions of Chapter 0780-2-2 (CODES AND STANDARDS) of the Rules and Regulations of the State of Tennessee.
 - (i) As-built plans and specifications include, but are not limited to, the following items: floor plans with door and window schedules, finish schedules, furnace

and water heater locations, fire alarm systems, emergency lighting, exit signs, fire-rated assemblies, any accessibility issues addressed pursuant to Tenn. Code Ann. § 68-120-204 and any available specifications. Additionally, a structural engineer's analysis must accompany the plans when submitted.

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

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

- (1) After the effective date of this chapter, no person shall commence construction of any educational occupancy, including those licensed by the Department of Education, detention and correctional occupancy or state building until plans and specifications therefor have been submitted to and approved in writing by the Division. The Division shall also review plans submitted for review of day care centers which are licensed by the Department of Human Services and the Department of Education. The following exceptions to such plans review will apply upon written approval by the Division:
 - (a) An existing building comprising an area of two thousand (2,000) occupied square feet or less, or an area within an existing building that is bound by two (2)-hour fire-rated constructions and that consists of two thousand (2,000) occupied square feet or less, that is proposed to house an educational occupancy and enrolls twenty-four (24) or fewer students may have code compliance determined through inspection by the state fire marshal. The state fire marshal may further require a limited plans review if the state fire marshal determines that it is necessary in order to ensure adequate code compliance. All such limited plans reviews will be subjected to the minimum review fee as authorized by this Chapter and the requirements for the issuance of a Certificate of Occupancy as authorized by this Chapter.
 - (b) An existing building comprising an area between two thousand (2,000) occupied square feet and five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing between two thousand (2,000) occupied square feet and five thousand (5,000) occupied square feet, that is proposed to house an educational occupancy and enrolls between twenty-five (25) and ninety-nine (99) students will be subjected to a limited plans review. An applicable review fee as authorized by this Chapter will apply.
 - (c) An existing building comprising an area of more than five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing more than five thousand (5,000) occupied square feet, or any area enrolling one hundred (100) students or more that is proposed to house an educational occupancy will be subjected to a full plans review as applied to new constructions and an applicable review fee as authorized by this Chapter will apply.

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

The emergency rules set out herein were properly filed in the Department of State on this the 27th day of July, 2007, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the day of 8th day of January, 2007. (FS 07-20-07; DBID 2644)