

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. §§ 62-32-202, 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 September, 2007.

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 0780-02-03
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 notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 31rd day of July, 2007. (FS 07-24-07; DBID 690)