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 File Date: 7/28/16

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:	Department of Commerce and Insurance
Division:	Division of Fire Prevention
Contact Person:	Carey Kefauver
Address:	500 James Robertson Parkway
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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
Phone:	(615) 741-6500
Email:	Don.Coleman@tn.gov

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

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Tower, Conference Room 1 A		
City:	Nashville		
Zip:	37243		
Hearing Date :	9/27/2016		
Hearing Time:	9:00 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-.02	Adoption by Reference
0780-02-01-.04	Inspections
0780-02-01-.05	Permits

0780-02-01-.07	Special Occupancies
0780-02-01-.11	Dwelling Units
0780-02-01-.15	Used Manufactured Homes
0780-02-01-.20	Local Government Authorization to Perform Electrical 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://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Amendments
Chapter 0780-02-01
Electrical Installations

Rule 0780-02-01-.02 Adoption by Reference shall be amended by deleting the rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-01-.02 Adoption by Reference.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for materials, installations, use of facilities, equipment, devices and appliances conducting, conveying, consuming or using electrical energy in, or in connection with, any building, structure, or any premises located in this state shall be those prescribed in the National Electrical Code (NEC), 2011 edition, published by the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169 except for:
 - (a) Section 110.24, Available Fault Current which shall be optional;
 - (b) Section 406.4(D)(6), Weather-Resistant Receptacles which shall be optional; and
 - (c) Section 406.9(A)-(B), Receptacles in Damp or Wet Locations, the installation of listed weather-resistant type receptacles shall be optional.

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

Rule 0780-02-01-.04 Inspections shall be amended by deleting the rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-01-.04 Inspections.

- (1) Inspections of electrical installations may 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, deputy fire marshals 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.
- (2) (a) Inspections shall be required on:
 1. Complete new installations;

2. HVAC equipment;
 3. New services, re-connections, 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; and
 9. Electrical signs.
- (b) A minimum of two (2) 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 shall be installed;
 - (b) All joints shall be made; and
 - (c) All grounding connections shall be in compliance with Section 300.10 of the 2011 National Electrical Code except as set forth in the exceptions enumerated in this subparagraph.
 1. Exception No. 1: Where that portion of an installation which constitutes service conductors and equipment is changed or modified.
 2. Exception No. 2: Where all wiring or raceway is exposed.
 3. Exception No. 3: The requirements of (a) above shall not apply where inspection is performed on raceway systems only.
- (4) The electrical contractor, the mechanical contractor, or the permit holder shall be responsible for making sure the inspector has access to the job to be inspected.
- (5) The permit holder shall notify the inspector when the electrical installation is ready for inspection.
- (6) Except as provided in Tenn. Comp. R. & Regs. 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.
- (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 shall be required within seven (7) days of re-connection by the Power Supplier.
- (8) Inspections shall not be 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.
- (9) 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 Tenn. Comp. R. & Regs. 0780-02-23-.07.
- (10) For residential and commercial buildings, electrical power shall be supplied to the building in order for inspector to perform final inspection.

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

Paragraph (1) of Rule 0780-02-01-.05 Permits shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (1) shall read as follows:

- (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 shall be secured in the area where the work is to be performed; unless, the permit is secured from the Commissioner, or designee. Issuing agents shall charge a fee of no more than five dollars (\$5.00) for the issuing of a permit. This fee is in addition to all applicable inspection fees in Tenn. Comp. R. & Regs. 0780-02-01-.21.

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

Paragraph (3) of Rule 0780-02-01-.05 Permits shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (3) shall read as follows:

- (3) No permit shall be required for installation of electrical systems by manufacturers of factory-manufactured structures, recreational vehicles, or modular building units. 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.

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

Paragraph (7) of Rule 0780-02-01-.05 Permits shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (7) shall read as follows:

- (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.
 - (c) 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.

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

Paragraph (9) of Rule 0780-02-01-.05 Permits shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (9) shall read as follows:

- (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 shall be made to the Division of Fire Prevention on the applicable form, completed in full, and made prior to an inspection being performed.

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

Paragraph (2) of Rule 0780-02-01-.07 Special Occupancies shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (2) shall read as follows:

- (2) Conductors serving swimming pools which originate at a dwelling unit service equipment or sub-panel located on the interior of the dwelling unit may be installed utilizing the appropriate wiring methods contained in Chapter 3 of the 2011 National Electrical Code. The wiring method shall comply with Article 680, 2011 National Electrical Code regarding that portion of the installation on the exterior of the dwelling unit.

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

Rule 0780-02-01-.11 Dwelling Units shall be amended by deleting the rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-01-.11 Dwelling Units

- (1) Where installed as separate units, ovens and cooktop units shall be served by individual circuits.
- (2) Light fixtures in clothes closets twenty-eight (28") inches or less in depth shall be mounted on the ceiling or wall above the door. These fixtures shall be so located that the fixture is within four (4") inches of the intersection of the ceiling and entrance wall. Such fixtures shall be thermally protected and either incandescent recessed with solid lens or fluorescent with fixtures. Fixtures installed in closets of larger dimensions shall comply with the 2011 edition of the National Electrical Code.
- (3) Only designated circuits shall be energized following a "service release" inspection. Such an inspection shall only be valid for a period of forty-five (45) days from the date of inspection.
- (4) All electrical connection, including HVAC equipment, shall be completed and inspected prior to final approval pursuant to Tenn. Code Ann. §§ 68-102-143(c) and (e), except as defined in paragraph (3) of this section.
- (5) No newly constructed one-and-two family dwelling shall be approved for connection of electric service on a permanent basis under § 68-102-143, unless the dwelling is equipped with a smoke alarm that has been:
 - (a) Listed in accordance with the standards of Underwriters Laboratories, or another testing agency or laboratory accepted by the state fire marshal; and
 - (b) Installed in accordance with the building construction safety standards adopted pursuant to § 68-120-101 and in accordance with the manufacturer's directions, unless those directions conflict with applicable standards adopted by the state fire marshal. Notwithstanding the building construction safety standards adopted pursuant to § 68-120-101, battery operated smoke alarms shall be permitted when installed in buildings without commercial power.
- (6) Service equipment shall have only one (1) main means of disconnecting services of two hundred twenty-five (225) amps or below.
- (7) The installation of receptacles for island counter spaces and peninsular counter spaces below the countertop shall be optional.
- (8) Receptacles shall not be required in the wall space behind doors which may be opened fully against a wall surface. Wall space measurement shall begin at the edge of the door when fully opened.
- (9) Light fixtures in crawl spaces shall have guarded covers.

- (10) Occupancy of a dwelling shall be prohibited before final inspection has been completed and approved.
- (11) In Article 210.12(A) of the 2011 edition of the National Electrical Code, arc-fault circuit interrupters, combination type, shall be required for all bedrooms and in all other rooms shall be optional. There shall be a maximum of no more than thirteen (13) outlets on a fifteen (15) ampere circuit or no more than fifteen (15) outlets on a twenty (20) ampere circuit. Smoke alarm outlets are exempt from the count.
- (12) In Article 334.15(C) of the 2011 edition of the National Electrical Code, Nonmetallic-Sheathed Cable shall not be required to be run through bored holes in unfinished basements and crawl spaces with less than four (4') feet and six (6") inches of clearance.
- (13) In Article 406.4(D)(5), Tamper-Resistant Receptacles, the installation of these tamper resistant receptacles shall be optional.
- (14) In Article 406.12 Tamper-Resistant Receptacles in Dwelling Units, the installation of these tamper resistant receptacles shall be optional.

Authority: T.C.A. §§ 68-102-113, 68-102-143, 68-102-150 and 68-120-111.

Paragraph (1) of Rule 0780-02-01-.15 Used Manufactured Homes shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that, the new paragraph (1) shall read as follows:

- (1) Manufactured homes shall have listed, enclosed-type service-entrance equipment located inside the manufactured home, with proper rated overcurrent protection for each branch circuit. Overcurrent protection for circuits of twenty (20) amperes or less may be either circuit breakers, or plug fuses and fuse holders of Type "S", and shall be of the time-delay type. The manufactured home disconnecting means located inside shall be fed from an outside location with a feeder from the main service entrance for such manufactured home. If the supply or feeder from the main service to the disconnecting means located inside does not have a grounding conductor as required by Article 550 of the 2011 National Electrical Code, one shall be installed.

Authority: T.C.A. §§ 68-102-113, 68-102-143, 68-102-147, and 68-102-150.

Subsection (a) of Paragraph (1) of Rule 0780-02-01-.20 Local Government Authorization to Perform Electrical Inspections shall be amended by deleting the existing subsection in its entirety and substituting the following, so that, the new subsection (a) shall read as follows:

- (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 2011 National Electrical Code 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.

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

Rule 0780-02-01-.21 Inspection Fees shall be amended by deleting the rule in its entirety and substituting the following, so that, the new rule shall read as follows:

0780-02-01-.21 Inspection Fees.

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

	Fee
Final Inspection	
0-200 ampere capacity	\$35.00
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	\$35.00
1,001 ampere capacity and above	\$35.00
Re-inspection	
Based on rejection of 0-1,000 ampere capacity	\$35.00
Based on rejection of 1,001 ampere capacity and above	\$35.00
Inspection of a heating and/or cooling system (e.g. HVAC)	\$35.00
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.

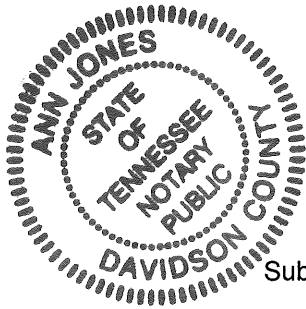
Paragraphs (4) and (5) of Rule 0780-02-01-.22 Boat Docks and Marinas shall be amended by deleting the existing paragraphs in their entirety and substituting the following, so that, the new paragraphs (4) and (5) shall read as follows:

- (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 the pertinent section related to Marinas and Boatyards, 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.
- (5) The regulation regarding a maximum of 600 volts phase to phase being permitted in yard and pier distribution systems as specified in Article 555.4, Distribution System of the edition of the National Electrical Code adopted in Tenn. Comp. R. & Regs. 0780-02-01-.02 may be exceeded if written documentation is submitted from an engineer licensed in the State of Tennessee approving the additional voltage.

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

Rules of the Department of Commerce and Insurance Division of Fire Prevention
Chapter 0780-02-01 Electrical Installations
Rule 0780-02-01-.02 Adoption by Reference
Rule 0780-02-01-.04 Inspections
Rule 0780-02-01-.05 Permits
Rule 0780-02-01-.07 Special Occupancies
Rule 0780-02-01-.11 Dwelling Units
Rule 0780-02-01-.15 Used Manufactured Homes
Rule 0780-02-01-.20 Local Government Authorization to Perform Electrical Inspections
Rule 0780-02-01-.21 Inspection Fees
Rule 0780-02-01-.22 Boat Docks and Marinas

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: 7/28/2016

Signature: *Carey Kefauver*

Name of Officer: Carey Kefauver

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: July 28, 2016

Notary Public Signature: *Ann Jones*

My commission expires on: July 6, 2020

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Filed with the Department of State on: 7/28/16

Tre Hargett
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Secretary of State

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