

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 10-03-23
Rule ID(s): 9943
File Date: 10/3/2023
Last Effective Day: 3/31/2024

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

Agency/Board/Commission:	The Department of Commerce and Insurance
Division:	Fire Prevention
Contact Person:	Beth Schulenberg
Address:	500 James Robertson Parkway
Zip:	37243
Phone:	615-532-7899
Email:	Elizabeth.leflerschulenberg@tn.gov

Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Statement of Necessity:

The Department seeks to adopt emergency rules to address Public Chapter No. 390, which directs the State Fire Marshal's Office to create a state fire permit that mobile food units may obtain annually to demonstrate fire safety and electrical code compliance to local governments. These emergency rules are necessary to adequately protect the public health, safety, and welfare. This legislation was signed into law by Governor Lee on May 11, 2023, effective immediately.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)**

Chapter Number	Chapter Title
0780-02-02	Codes and Standards
Rule Number	Rule Title
0780-02-02-.07	Mobile Food Units

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 0780-02-02-.07
Mobile Food Units
Amendments

Rule 0780-02-02-.07 Mobile Food Units shall read:

- (1) An applicant for a mobile food unit permit shall submit a completed application on a form as prescribed by the State Fire Marshal's Office along with a non-refundable application fee of three hundred dollars (\$300). If applicable, the application shall include:
 - (a) The owner and operator's contact information and business name;
 - (b) Date of application;
 - (c) Vehicle license plate number and Vehicle Identification Number;
 - (d) Cooking equipment and fuel that will be utilized;
 - (e) Type of cooking and processes used;
 - (f) Anticipated locations of operation;
 - (g) Preferred region for inspection; and
 - (h) Such other information as the State Fire Marshal may request.
- (2) Upon receipt of a complete application and the application fee, the State Fire Marshal's Office shall direct the applicant to schedule an inspection.
- (3) The State Fire Marshal's Office shall issue a permit upon an approved inspection of a mobile food unit confirming that the mobile food unit meets the applicable standards set by statute.
- (4) The mobile food unit shall prominently display the most recent permit issued by the State Fire Marshal's Office while the mobile food unit is in use. This permit must be visible from the outside of the mobile food unit.
- (5) Mobile food permits shall be effective for three hundred sixty-five (365) days from the date of issue and shall not be subject to renewal. A mobile food unit must obtain a new permit following the expiration of an existing permit.
- (6) Upon a failed inspection, the State Fire Marshal's Office shall inform the applicant of all code deficiencies and direct the applicant to schedule a follow-up inspection upon their correction.
- (7) Any subsequent inspection(s) required as a result of a failed inspection shall require a fee of one hundred fifty dollars (\$150).
- (8) The State Fire Marshal's Office will conduct an initial inspection for permitting approval and may conduct additional inspections upon receipt of a complaint or if the State Fire Marshal determines the inspections are necessary to address code violations or an observation of unlawful conditions in violation of the standards in T.C.A. § 68-102-155(e). If the State Fire Marshal determines at any time that the holder of a permit does not meet all requirements for the issuance of the permit or that there are code violations, the Commissioner may issue an order as provided by T.C.A. § 68-102-155(f).
- (9) If a mobile food unit changes, removes, or adds any equipment installed in the mobile food unit beyond the equipment that was inspected for approved permit, the permit-holder shall apply for and receive a new mobile food unit permit, including the paying all fees for such a new permit, prior to operating the mobile food unit.

Authority: Chapter 390, Public Acts of 2023 and T.C.A. § 68-102-155.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: September 12, 2023

Signature: 
Carter Lawrence (Sep 14, 2023 15:23 CDT)


Name of Officer: Carter Lawrence

Title of Officer: Commissioner

Agency/Board/Commission: Department of Commerce and Insurance

Rule Chapter Number(s): Chapter 0780-02-02: Codes and Standards

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrametti
Attorney General and Reporter

9-26-2023

Date

Department of State Use Only

Filed with the Department of State on: 10/3/2023

Effective for: 180 *days

Effective through: 3/31/2024

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RECEIVED

Oct 03 2023, 10:45 am

Secretary of State
Division of Publications


Tre Hargett
Secretary of State

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule will not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule provides a fee structure for the State Fire Marshal's Office's Mobile Food Unit permit and inspection program.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Promulgation of this rule is mandated in Chapter 390, Public Acts of 2023.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule affects mobile food unit operators and local fire codes officials, in that it provides for a mobile food unit permit that applies statewide that can be attained in lieu of local mobile food unit permits that apply only within the jurisdiction of a county or city. However, this mobile food unit permit is not mandatory and does not prevent a mobile food unit operator from acquiring a local mobile food unit permit and operating within the bounds of the local jurisdiction. Therefore, it is anticipated that mobile food unit operators and local fire codes officials urge adoption of this rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

N/A

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The rule includes fees which will contribute to state revenue but to minimal impact. The statute and in turn, rule, provide for a state mobile food unit permit to be attained in lieu of a local mobile food permit. The state permit is not mandatory and does not prevent a local government from continuing to issue local mobile food unit permits that are for the operation within the bounds of the local jurisdiction. The impact to state and local government is assumed to be of minimal impact.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention
Christopher Bainbridge, Director of Codes Enforcement

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary Farley, Assistant Commissioner for Fire Prevention
Mary Beth Gribble, Director of Programs and Policy for Fire Prevention

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

500 James Robertson Parkway
Nashville, TN 37243

Gary Farley; gary.farley@tn.gov; 615-516-9558
Mary Beth Gribble; marybeth.gribble@tn.gov; 615-574-9437

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

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* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: August 10, 2023

Signature: _____

Name of Officer: Carter Lawrence

Title of Officer: Commissioner

Agency/Board/Commission: Department of Commerce and Insurance

Rule Chapter Number(s): Chapter 0780-02-02: Codes and Standards

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective for: _____ **days*

Effective through: _____

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Tre Hargett
Secretary of State

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