

Rulemaking Hearing Rules  
Department of Commerce and Insurance  
Division of Fire Prevention

Chapter 0780-2-3  
Review of Construction Plans and Specifications

Amendments

Subparagraph (d) of paragraph (1) of rule 0780-2-3-.01 Definitions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (1) (d) Educational occupancy means the use of a building or structure, or a portion thereof, for educational purposes by six (6) or more persons for four (4) or more hours per day or more than twelve (12) hours per week. Educational occupancy includes part-day nursery schools and day care centers licensed by the Department of Human Services or licensed by the Department of Education, and all other schools including kindergarten through twelfth grade.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Subparagraph (e) of paragraph (1) of rule 0780-2-3-.01 Definitions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (1) (e) Detention and correctional occupancy, business occupancy, residential occupancy, place of assembly and covered mall shall be defined as in the 2003 edition of the Life Safety Code (NFPA No. 101-2003). High hazard industrial facility shall be defined as in the 1999 edition of the Standard Building Code for subclasses H-1 and H-2 only. Storage of high hazard materials shall not be considered as a high hazard industrial occupancy.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (1) of rule 0780-2-3-.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.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (2) of rule 0780-2-3-.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:

- (2) After January 1, 1983, no person shall commence construction of any place of assembly having a capacity of 300 or more persons until plans and specifications therefor have been submitted to and approved in writing by the Division.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (7) of rule 0780-2-3-.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:

- (7) Notwithstanding the foregoing paragraphs of this rule, any construction requiring approval by the Division may be undertaken prior to approval of final plans and specifications if:
  - (a) The Division has received a written request for a phased or fast-track approval;
  - (b) drawings adequately describing the nature and scope of the project have been submitted to the Division;
  - (c) a plans review submittal form and the entire review fee have been received;
  - (d) complete plans and specifications for only that phase of construction to be undertaken have been submitted to the Division; and
    - 1. the Division has approved such plans and specifications in writing; or
    - 2. the Division has failed to transmit a written evaluation of such plans and specifications within twenty-one (21) working days after receipt thereof.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (8) of rule 0780-2-3-.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:

- (8) Resubmission of the complete plans and specifications for any proposed project which is identical in structure and interior arrangement to a project previously reviewed and approved in accordance with this chapter is required; however, only one half of the normal review fee will be charged. No further reductions in the review fee will be allowed.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Rule 0780-2-3-.04 Fees is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The fee for review of plans and specifications for construction shall be as specified in the following table:

Total Project Construction Cost	Fee
\$0.00 to \$1,000,000.00	\$2.00 per thousand or fraction thereof (\$200.00 minimum).
\$1,000,000.01 or more	\$2,000.00 for the first \$1,000,000.00 plus \$1.50 for each additional thousand or fraction thereof.

Such fee shall be payable in full at the time of initial submission of plans and specifications.

- (a) If a State building or educational occupancy is also reviewed for compliance with building construction safety standards by a local government which has obtained the exemption authorized by Tenn. Code Ann. §68-120-101(b)(2), the fee for review under this chapter shall be reduced by fifty percent (50%), but the fee shall not be less than two hundred dollars (\$200.00). Review fees for plans being submitted under Chapter 0780-2-3-.02(8) shall not be further reduced.

(b) If plans and specifications must be resubmitted because their approval has become invalid under paragraph (3) of rule 0780-2-3-.05, the fee established in this rule will be imposed.

(2) The Division may require appropriate documentation of costs (such as contractors' bids or invoice) if:

(a) in the Division's opinion, the construction cost of a project has been underestimated in the certification submitted pursuant to rule 0780-2-3-.03(3); or

(b) the scope of a project is substantially revised after the initial plans submission.

After initial review, if such documentation warrants an additional plans review charge it shall be computed, assessed, and paid promptly.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (2) of rule 0780-2-3-.05 Approval 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:

(2) The Division will not begin review of plans and specifications unless a plans review submittal form and the entire applicable fee for plans review have been received by the Division.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (4) of rule 0780-2-3-.05 Approval 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:

(4) A copy of the approved plans and specifications shall be placed on the job site prior to the commencement of construction and shall be retained on the job site until a certificate of occupancy has been issued by the Division.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (1) of rule 0780-2-3-.08 Local Exclusions 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) This chapter shall not apply to any building, other than state buildings, educational occupancies, and occupancies requiring an inspection by the Division prior to initial licensure located within the jurisdiction of a local government which is exempt from the Division's building construction safety standards under Tenn. Code Ann. §68-120-101(b)(2).

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Rule 0780-2-3-.09 Exemptions is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

This chapter shall not apply to any building or facility which is exempt from the Division's building construction safety standards under Tenn. Code Ann. §68-120-101.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Subparagraph (d) of paragraph (2) of rule 0780-2-3-.10 Certificate of Occupancy is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (d) the names of the building owner, contractor, plans reviewer who approved the project, and project architect or engineer.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

Paragraph (4) of rule 0780-2-3-.10 Certificate of Occupancy 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:

- (4) A certificate of occupancy for a change in the occupancy classification of an existing building may be obtained by applying to the Division and supplying the information and data necessary to determine compliance with the standards adopted by reference in rule 0780-2-2-.01. When deemed necessary by the Division, two (2) sets of detailed drawings for review and approval, or a general inspection, or both, may be required.

Authority: Tenn. Code Ann. §§68-102-113 and 68-120-101.

The rulemaking hearing rules set out herein were promptly filed in the Department of State on the 19th day of October, 2005 and will become effective on the 2nd day of January, 2006.