

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 Tennessee Code Annotated §§ 68-102-113, 68-104-208, 68-104-214, and 68-105-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in Room 160 on the 1<sup>st</sup> floor of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9 a.m. (Central Time) on the 17<sup>th</sup> day of December, 2008.

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, 5<sup>th</sup> Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of the entire text of this notice of rulemaking hearing, contact: Jim Pillow, Assistant Commissioner for the Division of Fire Prevention at 500 James Robertson Parkway, Davy Crockett Tower, 3<sup>rd</sup> Floor, Nashville, Tennessee 37243, telephone (615) 741-2981.

Substance of Proposed Rules

Chapter 0780-02-15  
Blasting Standards

Amendments

Rule 0780-02-15-.03 Registration and Fees is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The Department shall have the following four (4) classifications of registration:
  - (a) Blaster;
  - (b) Limited Blaster;
  - (c) Handler; and
  - (d) Firm.
- (2) An applicant for registration as a blaster shall:
  - (a) Submit a completed application on a form as prescribed by the Department along with a non-refundable application fee of fifteen dollars (\$15.00);
  - (b) Pass the examination prescribed by the Department;

- (c) Provide proof of having obtained one (1) year previous practical experience under the supervision of a registered, experienced blaster; and
  - (d) Pay a registration fee of three hundred dollars (\$300.00).
- (3) An applicant for registration as a limited blaster shall:
  - (a) Submit a completed application on a form as prescribed by the Department along with a non-refundable application fee of fifteen dollars (\$15.00);
  - (b) Pass the examination prescribed by the Department;
  - (c) Provide proof of having obtained one (1) year previous practical experience under the supervision of a registered, experienced limited blaster; and
  - (d) Pay a registration fee of two hundred dollars (\$200.00).
- (4) An applicant for registration as a handler shall:
  - (a) Submit a completed application on a form as prescribed by the Department along with a non-refundable application fee of fifteen dollars (\$15.00);
  - (b) Pay a registration fee of one hundred dollars (\$100.00); and
  - (c) Certify, by means of the applicant's signature, knowledge of storage, security and accountability regulations established by applicable statutes, rules, and adopted standards.
- (5) An applicant for registration as a firm shall:
  - (a) Submit a completed application on a form as prescribed by the Department along with a non-refundable application fee of fifteen dollars (\$15.00);
  - (b) Pay a registration fee of seven hundred fifty dollars (\$750.00); and
  - (c) Submit proof of insurance required by Tenn. Code Ann. § 68-105-112.
- (6) An applicant for registration by reciprocity shall submit a completed application a form as prescribed by the Department. The application must be accompanied by a non-refundable application fee of fifteen dollars (\$15.00), the registration fee required by this chapter and a letter of good standing from the reciprocal state. The registration fee will be determined by the above-referenced classification scheme.
- (7) A certificate of registration shall expire three (3) years following the date of its issuance or renewal and is invalid on that date unless renewed. Each registrant shall be required to renew by submitting a completed application as prescribed for the same to the Department, along with a renewal fee of three hundred dollars (\$300.00) for blasters, two hundred dollars (\$200.00) for limited blasters, one hundred dollars (\$100.00) for handlers, and seven hundred fifty dollars (\$750.00) for firms.

- (8) An applicant for renewal of a blaster's, limited blaster's or handler's registration shall also submit proof of having obtained the continuing education credits, required in rule 0780-02-15-.05 of this chapter during the preceding renewal period.
- (9) A late fee of twenty-five dollars (\$25.00) will be assessed against a registrant who renews registration late, but before one (1) year after the date of its expiration. A completed application on a form as prescribed by the Department must be submitted along with the applicable renewal fee to the Department.
- (10) A registrant who fails to renew registration within one (1) year after expiration shall reapply for registration, pay the applicable fee and take the examination approved by the Department.
- (11) The Department will issue to each registrant a pocket identification card.
- (12) An applicant who fails an examination for registration may retake the examination after thirty (30) days after the test date without paying another application fee. An applicant who fails the examination twice shall reapply and pay the required application fee.
- (13) Registration certificates or pocket identification cards that have been lost, misplaced or destroyed may be replaced upon submission of a fee of fifteen dollars (\$15.00).
- (14) No registration issued under this chapter may be assigned or transferred.
- (15) The Department may designate a third party to administer and charge a reasonable fee for each examination or reexamination administered to applicants for blaster's and limited blaster's registrations.
- (16) Any application that remains pending for twelve (12) months will expire. Refundable fees will be refunded if a written request is made to the Department within six (6) months of the expiration of the application.

Authority: T. C. A. §§ 68-105-106, 68-105-108, 68-105-112, 68-105-113, 68-105-114, 68-105-116, and 68-105-121.

## Substance of Proposed Rules

### Chapter 0780-02-21 Fireworks

#### Amendments

Rule 0780-02-21-.05 Training; Continuing Education is amended by adding the following language as a new paragraph so that, as amended, the paragraph shall read:

- (10) Registrants may obtain continuing education training for renewal by retaking and passing the appropriate examination for the certification desired; provided, however, that the registrant provides valid documentation of proof of taking and earning a passing score on the appropriate examination, and submits this information along with the completed renewal form and renewal fee prior to the expiration date for such certification.

Authority: T.C.A. §§ 68-102-113, 68-104-208(d)(2), and 68-104-214.

Rule 0780-02-21-.07 Permits is amended by adding the following language as new paragraphs so that, as amended, the paragraphs shall read:

- (2) An expedited permit fee of fifty dollars (\$50) will be charged, in addition to the regular display permit fee, for any public display permit application that is received by the state fire marshal's office within ten (10) days prior to the date of the display. An application is considered received on the date that both the completed application and appropriate fee are received by the state fire marshal.
- (3) The state fire marshal may issue a multiple display permit, for a fee not to exceed four hundred dollars (\$400), to an exhibitor, sponsor, or operator that is conducting multiple displays that are essentially identical at a single location. A multiple display permit may be issued for multiple displays, performed on different dates, but are the same in regards to the display items, location, site arrangement, and emergency personnel locations. A multiple display permit expires one (1) year after issuance.

Authority: T.C.A. §§ 68-102-113, 68-104-102(c), 68-104-211(a) and 68-104-212.

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 31st day of October, 2008. (FS 10-25-08; DBID 940-941)