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Sequence Number: 11-26-20  
 Notice ID(s): 3217  
 File Date: 11/30/2020

# 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.

<b>Agency/Board/Commission:</b>	Board for Licensing Contractors
<b>Division:</b>	Department of Commerce & Insurance, Division of Regulatory Boards
<b>Contact Person:</b>	Elizabeth A. Bendell
<b>Address:</b>	500 James Robertson Parkway
<b>Phone:</b>	(615) 741-3072
<b>Email:</b>	Elizabeth.a.bendell@tn.gov

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:

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	500 James Robertson Parkway
<b>Phone:</b>	(615) 741-6500
<b>Email:</b>	Don.Coleman@TN.gov

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

Address 1:	500 James Robertson Parkway		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date :	1/26/2021		
Hearing Time:	9:00 AM	<input type="checkbox"/> _X_	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
0680-09	Continuing Education
Rule Number	Rule Title
0680-09-.01	Definitions
0680-09-.02	Residential Continuing Education Requirements

0680-09-.03	Standards of Acceptance of Continuing Education Courses
0680-09-.04	Retired to Active Status

RULES  
OF  
TENNESSEE BOARD FOR LICENSING CONTRACTORS  
0680-09  
CONTINUING EDUCATION

NEW

Table of Contents is added to Chapter 0680-09 Continuing Education and shall read as follows:

Table of Contents

0680-09-.01 Definitions  
0680-09-.02 Residential Continuing Education Requirements  
0680-09-.03 Standards of Acceptance of Continuing Education Courses  
0680-09-.04 Retired to Active Status

0680-09-.01 Definitions is added to Chapter 0680-09 Continuing Education and shall read as follows:

0680-09-.01 DEFINITIONS.

“Residential Continuing Education” or “RCE” means any training, whether provided in a classroom or online, and approved by the Board for Licensing Contractors, utilized toward the advancement of the residential construction industry, specifically the residential contractors licensed after January 1, 2009 with the classification BC-A; BC-A/r; and residential small commercial BC-A,b(sm).

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

0680-09-.02 Residential Continuing Education Requirements is added to Chapter 0680-09 Continuing Education and shall read as follows:

0680-09-.02 RESIDENTIAL CONTINUING EDUCATION REQUIREMENTS.

(1) Beginning January 1, 2020, as a prerequisite for the renewal of a residential contractor’s license with a classification of BC-A, BC-A/r, or BC-A,b(sm), the licensee shall obtain eight (8) hours of Board-approved Residential Construction Education (RCE) in the residential construction industry during the two (2) year period prior to the expiration of such license.

- (a) RCE must be obtained by an individual designated as a Qualifying Agent (QA) on the contractor’s license. Only one (1) QA is required to obtain RCE to fulfill the license renewal requirements.
- (b) Any residential contractor licensed prior to January 1, 2009 is not required to complete continuing education requirements.

(2) Formal courses of learning may request approval to offer RCE pursuant T.C.A. §62-6-112(g), by classroom or online, and must provide education which contributes directly to the professional competence of the licensee.

(3) Formal courses requiring attendance may only be considered if:

- (a) an outline is prepared and preserved,
- (b) the unit course is at least one (1) hour (1 credit hour = 50 minutes) in length,
- (c) the course is conducted by a qualified instructor, discussion leader or lecturer, who has at least four (4) years of construction work experience or education, or any combination of both in the subject to be taught.
- (d) a record of registration and attendance is maintained and certified by the signature of an authorized representative of the organization sponsoring the course.

(4) Subject to compliance with paragraphs 2 and 3 of this rule, the following are deemed to be qualifying programs:

- (a) University, college or courses taken with Tennessee College of Applied Technology (TCAT) provided that:
  - 1. successful completion of a semester or quarter length course qualifies for eight (8) hours of the residential continuing education requirement for the year in which it is taken, and
  - 2. The courses are relevant to the residential construction industry;
- (b) Professional development programs and technical sessions at meetings of recognized national, state and local trade associations recognized by the Board;
- (c) Courses offered for environmental hazards, including, but not limited to, asbestos, lead and radon by the State of Tennessee, the United States government or any other state or local governmental agency; and
- (d) Outreach events by the Board for Licensing Contractors.

(5) Active membership in a professional trade association approved by the board qualifies as four (4) hours of RCE annually for the year for which the membership is active.

(6) All requests to be a RCE provider must be individually approved by the Board on the basis of the course's ability to provide relevant curriculum, the availability, quality, and the reasonable cost of the course among other factors.

- (a) Professional trade associations requesting approval to offer RCE for membership must include with their written request, the benefits of membership, definition of active membership, whether it's granted to an individual, firm or both, cost, availability in other states and other organizations and the proof of active membership format to be issued to the licensee showing participation in residential construction education that equals four (4) hours annually or eight (8) hours biennially of RCE.

(7) Formal correspondence and other individual study programs which require registration and provide evidence of satisfactory completion may apply to the Board to offer RCE credit in an amount to be determined by the Board.

(8) RCE credit hours will be allowed for service as an instructor, discussion leader or speaker at any program approved by the Board for which participants are eligible to receive RCE credit. Credit for such service shall be

allowed on the first presentation only, unless the program has been substantially revised. Fifty (50) minutes of instruction will equal one (1) credit hour of RCE.

(9) Any program of RCE not specifically mentioned by this rule may be submitted to the Board for evaluation and approval.

(10) The Board specifically reserves the right to approve or disapprove credit for RCE claimed under this rule.

(11) No carryover of RCE hours from renewal period to the next renewal period is permitted.

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

0680-09-.03 Standards of Acceptance of Continuing Education Courses is added to Chapter 0680-09 Continuing Education and shall read as follows:

#### 0680-09-.03 STANDARDS OF ACCEPTANCE OF CONTINUING EDUCATION COURSES

(1) The Board shall have the authority to review and either accept or deny approval for RCE courses based upon the criteria established in rule 0680-09-.02, paragraphs (2), (3), and (6).

(2) RCE courses submitted for approval shall list the following:

- (a) Title of course;
- (b) Class length (in hours);
- (c) Synopsis and objective(s) or course;
- (d) Reference materials used with the course;
- (e) Author of course and employment affiliation;
- (f) Selection of criteria for students;
- (g) Related courses.

(3) Related courses include:

- (a) Building codes;
- (b) Functional fields of a construction business (including but not limited to, finance, marketing, personnel relations, business management, and organization);
- (c) Legal, legislative, or regulatory updates for the residential construction industry;
- (d) Workplace safety;
- (e) Workers Compensation;
- (f) Building techniques and technology.

- (4) Course materials and information shall be submitted to the Board for review. The Board shall accept or reject the course for RCE credit. The Board may audit the course if deemed necessary for evaluation purposes.
- (5) All correspondence regarding materials submitted for evaluation by the Board and/or its subcommittees shall be public record. However, nothing in this rule shall adversely affect copyrighted material.
- (6) These approved RCE courses must certify the attendance and successful completion of the course for each of its students to the Board on an appropriate form.
- (7) A RCE course approval shall continue in effect for four (4) years from the date on which the RCE course is approved.
- (8) The Board reserves the right to issue RCE course approvals for periods of less than four (4) years.
- (9) RCE Course providers shall resubmit their courses for approval at least one hundred twenty (120) days prior to the applicable expiration date. Failure to meet this deadline may result in the non-approval of a course.

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

0680-09-.04 Retired to Active Status is added to Chapter 0680-09 Continuing Education and shall read as follows:


#### 0680-09-.04 RETIRED TO ACTIVE STATUS

Contractors who have been in a retired status for two (2) years or more will not need to provide proof of RCE except for the eight (8) hours required at the time of their next renewal. Contractors who have been in a retired status for less than two (2) years shall provide proof of RCE completion prior to returning to an active status.

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

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: November 30, 2020

Signature: 

Name of Officer: Elizabeth A. Bendell

Title of Officer: Associate General Counsel

**Department of State Use Only**

Filed with the Department of State on: 11/30/2020



Tre Hargett  
Secretary of State

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OF  
TENNESSEE BOARD FOR LICENSING CONTRACTORS  
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NEW

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**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

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(3) Formal programs requiring attendance may only be considered if:

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(c) the program is conducted by a qualified instructor, discussion leader or lecturer, who has at least four (4) years of construction work experience or education, or any combination of both in the subject to be taught.

(d) a record of registration and attendance is maintained and certified by the signature of an authorized representative of the organization sponsoring the program.



(4) Subject to compliance with paragraphs 2 and 3 of this rule, the following are deemed to be qualifying programs:

(a) University, college or courses taken with Tennessee College of Applied Technology (TCAT) provided that:

1. successful completion of a semester or quarter length course qualifies for eight (8) hours of the residential continuing education requirement for the year in which it is taken, and

2. The courses are relevant to the residential construction industry;

(b) Professional development programs and technical sessions at meetings of recognized national, state and local trade associations recognized by the Board;

(c) Courses offered for environmental hazards, including, but not limited to, asbestos, lead and radon by the State of Tennessee, the United States government or any other state or local governmental agency; and

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(5) Active membership in a professional trade association approved by the board qualifies as four (4) hours of residential continuing education annually.

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(7) Formal correspondence and other individual study programs which require registration and provide evidence of satisfactory completion may apply to the Board to offer residential continuing education credit in an amount to be determined by the Board.

(8) Residential continuing education credit will be allowed for service as an instructor, discussion leader or speaker at any program approved by the Board for which participants are eligible to receive continuing education credit. Credit for such service shall be allowed on the first presentation only, unless the program has been substantially revised. Fifty (50) minutes of instruction will equal one (1) hour of RCE.

(9) Any program of residential continuing education not specifically mentioned by this rule may be submitted to the Board for evaluation and approval.

(10) The Board specifically reserves the right to approve or disapprove credit for residential continuing education claimed under this rule.

(11) No carryover of hours from renewal period to the next renewal period is permitted.

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

#### 0680-09-.03 STANDARDS OF ACCEPTANCE OF CONTINUING EDUCATION COURSES

Rules of the Tennessee Board of Licensing Contractors

Chapter 0680-09

Rule 0680-09-.01; 0680-09-.02; 0680-09-.03; 0680-09-.04

(1) The Board shall have the authority to review and either accept or deny approval for courses based upon the criteria established in rule 0680-09-.02, paragraphs (2), (3), and (6).

(2) Educational courses submitted for approval shall list the following:

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**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

**0680-09-.04 RETIRED TO ACTIVE STATUS**

Rules of the Tennessee Board of Licensing Contractors

Chapter 0680-09

Rule 0680-09-.01; 0680-09-.02; 0680-09-.03; 0680-09-.04


Contractors who have been in a retired status for two (2) years or more will not need to provide proof of residential continuing education until their next renewal. Contractors who have been in a retired status for less than two (2) years shall provide proof of residential continuing education completion prior to returning to an active status.

**Authority:** T.C.A. §§ 62-6-108 and 62-6-112(g).

Rules of the Tennessee Board of Licensing Contractors  
Chapter 0680-09  
Rule 0680-09-.01; 0680-09-.02; 0680-09-.03; 0680-09-.04

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: November 30, 2020

Signature: 

Name of Officer: Elizabeth A. Bendell

Title of Officer: Associate General Counsel

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State