

Rulemaking Hearing Rules

Department of Commerce and Insurance Division of Fire Prevention

Chapter 0780-02-03 Review of Construction Plans and Specifications

Amendments

Paragraph (1) of rule 0780-02-03-.01 Definitions is amended by adding the text of subparagraphs (g), (h) and (i) so that, as amended, the paragraph shall read:

- (1) As used in this chapter, unless the context otherwise requires:
- (g) In addition to the definitions provided by the 2006 edition of the Life Safety Code (NFPA No. 101-2006), existing building means any building that has been occupied continuously for a period of at least twelve (12) months without changing its occupancy classification.
 - (h) Limited plans review means the submission of construction documents based on as-built plans and specifications in accordance with the provisions of Chapter 0780-2-2 (CODES AND STANDARDS) of the Rules and Regulations of the State of Tennessee.
 - (i) As-built plans and specifications include, but are not limited to, the following items: floor plans with door and window schedules, finish schedules, furnace and water heater locations, fire alarm systems, emergency lighting, exit signs, fire-rated assemblies, any accessibility issues addressed pursuant to Tenn. Code Ann. § 68-120-204 and any available specifications. Additionally, a structural engineer's analysis must accompany the plans when submitted.

Authority: T. C. A. §§68-102-113(a) and 68-120-101.

Paragraph (1) of rule 0780-02-03-.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. The following exceptions to such plans review will apply upon written approval by the Division:
- (a) An existing building comprising an area of three thousand (3,000) occupied square feet or less, or an area within an existing building that is bound by two (2)-hour fire-rated constructions and that consists of three thousand (3,000) occupied square feet or less, that is proposed to house an educational occupancy and enrolls twenty-four (24) or fewer students may have code compliance determined through inspection by the state fire marshal. The state fire marshal may further require a limited plans review if the state fire marshal determines that it is necessary in order to ensure adequate code compliance. All such limited plans reviews will be subjected to the minimum review fee as authorized by this Chapter and the requirements for the issuance of a Certificate of Occupancy as authorized by this Chapter.

- (b) An existing building comprising an area between three thousand (3,000) occupied square feet and five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing between three thousand (3,000) occupied square feet and five thousand (5,000) occupied square feet, that is proposed to house an educational occupancy and enrolls between twenty-five (25) and ninety-nine (99) students will be subjected to a limited plans review. An applicable review fee as authorized by this Chapter will apply.
- (c) An existing building comprising an area of more than five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing more than five thousand (5,000) occupied square feet, or any area enrolling one hundred (100) students or more that is proposed to house an educational occupancy will be subjected to a full plans review as applied to new constructions and an applicable review fee as authorized by this Chapter will apply.

Authority: T. C. A. §§68-102-113(a) and 68-120-101.

The rulemaking hearing rules set out herein were promptly filed in the Department of State on the 11th day of December, 2007 and will become effective on the 24th day of February, 2008. (FS 12-13-07; DBID 2791

Economic Impact Statement:

1. Types of small businesses directly affected:

Small construction firms may be slightly affected by these rules.

2. Projected reporting, recordkeeping, and other administrative costs:

There is no foreseeable alteration in small business record-keeping that will result from the promulgation of these rules.

3. Probable effect on small businesses:

These proposed rules will not directly affect small businesses; however, construction companies seeking to procure projects involving educational facilities will need to become familiar with the new procedures for projects of certain square footages.

4. Less burdensome, intrusive, or costly alternative methods:

The Division knows of no other alternative method to achieve the goals exhibited by these rules.

5. Comparison with federal and state counterparts:

There are no federal counterparts to the issues addressed by these rules; additionally, the rules impact procedures within a state agency rather than impose new or altered regulation upon private entities.

6. Effect of possible exemption of small businesses:

There will be no exemptions created by these rules.