

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE  
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-03  
REVIEW OF CONSTRUCTION PLANS AND SPECIFICATIONS**

**TABLE OF CONTENTS**

0780-02-03-.01	Definitions	0780-02-03-.07	Issuance of Permits and Inspection Fees
0780-02-03-.02	Submission of Plans	0780-02-03-.08	Exemptions
0780-02-03-.03	Requirements	0780-02-03-.09	Certificate of Occupancy
0780-02-03-.04	Fees	0780-02-03-.10	Dispute Resolution
0780-02-03-.05	Approval of Plans	0780-02-03-.11	Grandfather Provision for Review of Plans
0780-02-03-.06	Inspection of Construction	0780-02-03-.12	Equivalencies

**0780-02-03-.01 DEFINITIONS.**

- (1) As used in this Chapter, unless the context otherwise requires:
- (a) “As-built plans” means the submission of construction plans and details for existing buildings sufficient to provide life safety and building code compliance with the adopted codes.
  - (b) “Construction” means the erection of a new building; an addition to an existing building; alteration or repair of primary structural members; a change of occupancy or occupancy group; an alteration of the required elements of the corridors and exits of a building’s means of egress; an alteration of a fire resistance rated component or assembly; a change in the construction type of a building; or the installation or alteration of a fire sprinkler system, fire suppression system, fire alarm system, smoke control system, or fuel-fired equipment. The term “construction” shall not be construed to include excavation or site preparation.
  - (c) “Consultation” means an onsite fire and building codes evaluation by the Division to determine work needed to bring a building into compliance with its proposed use. A consultation is a general evaluation for major code items and is not a guarantee that all code required updates will be discovered.
  - (d) “Division” means the Division of Fire Prevention of the Department of Commerce and Insurance.
  - (e) “Educational occupancy” means the use of a structure or a portion of a structure for educational purposes by six (6) or more persons for more than twelve (12) hours per week, but no more than eight (8) hours in a single day. Educational purposes shall mean a program that receives credit for grades kindergarten through twelfth (12th) grade and shall also include early education and pre-K programs regulated by the Department of Education (DOE) but shall not include dual enrollment programs located in a higher education classroom.
  - (f) “Inspection of construction” means an onsite assessment by the Division to determine whether building construction is in compliance with approved plans and codes.
  - (g) “Limited plans review” means the submission of construction documents including the following items:
    - 1. A site plan or dimensioned aerial view showing fire department access;

(Rule 0780-02-03-.01, continued)

2. Floor plans including life safety plan(s);
  3. Door schedule;
  4. Window schedule for emergency escape and rescue windows;
  5. Locations and BTUs of fuel-fired equipment;
  6. For existing sprinkler systems, the type of system;
  7. For new fire sprinkler systems, fire sprinkler shop drawings and calculations;
  8. Fire alarm system device locations;
  9. Emergency light locations;
  10. Exit sign locations;
  11. Location, rating, and detail for fire-rated assemblies; and
  12. Accessible routes and accessible means of egress pursuant to T.C.A. § 68-120-204.
- (h) “Local government” means any city, county, town, municipal corporation, metropolitan government, or political subdivision.
- (i) “State building” means a building or tenant space owned, leased, or leased with an option to purchase by the State of Tennessee or any department, institution, or agency. State buildings also include privately owned buildings on state property.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed August 17, 1976; effective September 16, 1976. Repeal and new rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Emergency rule filed July 27, 2007; effective through January 8, 2008. Amendment filed November 16, 2007; withdrawn December 28, 2007. Emergency rule expired January 9, 2008 and reverted to rule in effect on July 26, 2007. Amendment filed December 11, 2007; effective February 24, 2008. Amendment filed June 18, 2008; effective September 1, 2008. Amendments filed October 2, 2008; effective December 16, 2008. Amendments filed March 29, 2010; effective June 27, 2010. Amendments filed December 8, 2022; effective March 8, 2023. Amendments filed January 23, 2025; effective April 23, 2025.

#### **0780-02-03-.02 SUBMISSION OF PLANS.**

- (1) No person shall commence construction of any Educational occupancy or daycare center that is licensed by the Department of Human Services (DHS) or the Department of Education (DOE) until plans and specifications have been submitted to and approved in writing by the Division. The following exceptions to such plans review will apply:
- (a) An existing building converting to a DHS licensed daycare or DOE Educational occupancy and enrolling forty-nine (49) or fewer children or students may submit plans and specifications for limited plans review in lieu of the consultation.

(Rule 0780-02-03-.02, continued)

- (b) An existing building converting to a DHS licensed daycare or DOE Educational occupancy and enrolling forty-nine (49) or fewer children or students may have review for code compliance determined through a consultation by the Division with the following requirements:
    - 1. After paying the applicable fee, the Division shall conduct a consultation, prior to beginning construction, to inform the owners of requirements for fire hydrant(s), fire department access, fire safety systems, fire separation, means of egress, or other significant upgrades needed.
    - 2. The fee shall include up to three (3) inspections during construction to identify non-compliant work, and one (1) final inspection prior to occupancy.
    - 3. Additional inspections may be required to determine compliance depending on the complexity of the structure. Additional inspections required shall be purchased by the daycare operator or operator's representative.
    - 4. In complex cases, the Division may require registrant plans and the applicable plans review fee to be submitted for review and approval.
  - (c) An existing building converting to a DHS licensed daycare or DOE Educational occupancy and enrolling between fifty (50) to ninety-nine (99) children or students shall submit plans and specifications for a limited plans review. An applicable review fee as authorized by this Chapter will apply.
- (2) No person shall commence construction of an Assembly Group A structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, with a calculated occupant load of three hundred (300) or more persons until plans and specifications have been submitted to and approved in writing by the Division.
  - (a) For the purposes of application of the building code adopted in Chapter 0780-02-02, rooms, buildings or structures used as banquet halls where the primary purpose is not serving both food and alcoholic drinks may be classified as Assembly Group A-3.
  - (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (3) No person shall commence construction of any Business Group B structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, that is three (3) stories or more, until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (4) No person shall commence construction of any Residential Group R structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02 until plans and specifications have been submitted to and approved in writing by the Division.
  - (a) This requirement shall not apply to buildings or structures regulated by Chapter 0780-02-23.
  - (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).

(Rule 0780-02-03-.02, continued)

- (5) No person shall commence construction of any covered mall building, as defined in the building code adopted in Chapter 0780-02-02, until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (6) No person shall commence construction of any High-hazard Group H-1 or H-2 structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, until plans and specifications have been submitted to and approved in writing by the Division. Structures used only for storage of materials shall not require plans and specifications and approval by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (7) No person shall commence construction of any Institutional Group I structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, with accommodations for overnight sleeping until plans and specifications have been submitted to and approved in writing by the Division.
  - (a) This requirement shall not apply to structures that are regulated by other state agencies for building and fire safety.
  - (b) This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (8) No person shall commence construction of any occupancy that requires an inspection by the Division for initial licensure requirements of other state departments or agencies until plans and specifications have been submitted to and approved in writing by the Division.
- (9) No person shall commence construction of any Institutional Group I-3 structure or portion of a structure, as defined in the building code adopted in Chapter 0780-02-02, or change occupancy condition until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to buildings or structures located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (10) No person shall commence construction of any state-owned building until plans and specifications have been submitted to and approved in writing by the Division. This requirement shall not apply to state buildings that are leased and located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).
- (11) For buildings that meet the plans submission requirements of 0780-02-03-.02(1) through (10), any factory manufactured structure which has been designed and constructed in accordance with the Tennessee Modular Building Act (T.C.A. §§ 68-126-301 et seq.) shall be exempt from plan submission of the building or structure; however, submission of modular unit specifications and a site plan showing building location, fire department access, fire hydrant locations and testing, site work for fire alarm and fire protection systems, and adjacent buildings or structures shall be required to be submitted. Additional plans may be required as deemed necessary by the Division.
  - (a) Except for state buildings (owned and leased), educational occupancies, and day care centers licensed by the Department of Human Services or the Department of Education, this requirement shall not apply to buildings or portions that are located in a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2).

(Rule 0780-02-03-.02, continued)

- (b) A single Educational Group E modular classroom that is located outside of a jurisdiction of local government that has obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) shall be exempt from plan submission requirements but must be inspected.
- (c) All schools that are located outside jurisdictions that have obtained an exemption authorized by T.C.A. § 68-120-101(b)(2) must notify the Division of a re-located modular unit and an inspection shall be performed by the Division.
- (12) Any single-story, open-air pavilion or shed shall not require plans to be submitted and approved by the Division. Open-air shall mean that eighty (80) percent of the building's perimeter and interior are open to the outside from the floor to the roof or ceiling.
- (13) When an assembly occupancy's occupant load exceeds two hundred fifty (250), the Division may require plans to be submitted for a No Review Letter in order to calculate the maximum occupant load if, upon inspection, it appears that the calculation might be incorrect.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule filed August 17, 1976; effective September 16, 1976. Repealed and new rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Emergency rule filed July 27, 2007; effective through January 8, 2008. Emergency rule expired January 9, 2008 and reverted to rule in effect on July 26, 2007. Amendment filed December 11, 2007; effective February 24, 2008. Amendments filed October 2, 2008; effective December 16, 2008. Amendments filed March 29, 2010; effective June 27, 2010. Amendments filed December 8, 2022; effective March 8, 2023. Amendments filed January 23, 2025; effective April 23, 2025.

#### **0780-02-03-.03 REQUIREMENTS.**

- (1) Plans and specifications required by 0780-02-03-.02 shall:
  - (a) Comply with the regulations in the statutes and rules controlling the profession of architects and engineers in Tennessee;
  - (b) Comply with the requirements of Submittal Documents of the building code adopted in Chapter 0780-02-02; and
  - (c) Be accompanied by an estimate, certified by the owner or the authorized representative, of the total construction cost of the project. The Division may request additional verification of cost prior to the issuance of a certificate of occupancy.
- (2) Shop drawings for fire protection sprinkler systems shall be submitted in accordance with the provisions of Chapter 0780-02-07 (Fire Protection Sprinkler System Contractors) of the Rules and Regulations of the State of Tennessee.
- (3) Plans and specifications, shop drawings, or statements of work required to be submitted under this Chapter must be submitted electronically through the electronic plans submission portal in a format acceptable by the Division.
- (4) A written statement of work that includes adequate documents for construction, including but not limited to manufacturer's product specifications or shop drawings, with the appropriate review fee shall be accepted instead of sealed plans and specifications for the following:

(Rule 0780-02-03-.03, continued)

- (a) Projects to existing structures with an estimated construction cost of less than twenty-five thousand dollars (\$25,000), other than a change of occupancy.
- (b) The alteration or repair of a fire alarm system or its components in an existing structure.
- (c) The Division may require a Tennessee registered architect or engineer sealed plans and specifications for review based on the size or complexity of a project.

**Authority:** T.C.A. §§ 68-102-113, 68-120-101, 68-120-101(a), and 68-120-101(d). **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendment filed October 2, 2008; effective December 16, 2008. Amendment filed March 29, 2010; effective June 27, 2010. Amendments filed December 8, 2022; effective March 8, 2023.

#### **0780-02-03-.04 FEES.**

- (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	\$2.50 per thousand or fraction thereof (\$250.00 minimum)
\$1,000,000.01 or more	\$2,500.00 for the first \$1,000,000.00 plus \$2.00 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 T.C.A. § 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 fifty dollars (\$250.00).
  - (b) If plans and specifications must be resubmitted because their approval has become invalid under rule 0780-02-03-.05, the fee established in this rule will be imposed.
  - (c) Where a building governed by the provisions of this Chapter is constructed in violation of this Chapter, the fee for the review of the plans and specifications shall be the applicable review fee authorized by this Chapter based on the current cost to build the building using the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes).
- (2) The Division may issue a letter stating that plans are not required to be reviewed (a "no review letter").
    - (a) The fee for obtaining a no review letter shall be one hundred dollars (\$100.00).
    - (b) The no review letter fee shall be applied to the plan review fee if it is determined that plans are required to be reviewed.
  - (3) The Division may require appropriate documentation of costs (such as contractors' bids or invoice) if:

(Rule 0780-02-03-.04, continued)

- (a) In the Division's opinion, the construction cost of a project has been underestimated in the certification submitted pursuant to rule 0780-02-03-.03(3) based on the latest available Building Valuation Data published by the International Code Council (using a 0.60 Cost Modifier, except for the footnotes); or
  - (b) The scope of a project is substantially revised after the initial plan submission. After initial review, if such documentation warrants an additional plan review charge it shall be computed, assessed, and paid promptly.
- (4) Project numbers shall be assigned by the Department for each building of a multiple building submission and project construction costs shall be stated for each building, and all fees shall be calculated using construction costs on a per building basis.
  - (5) An additional fee of fifteen dollars (\$15.00) per building for receiving plans or specifications electronically shall be applied.
  - (6) For those making payment over the internet, payment of an internet payment processing fee, not to exceed two and one-half percent (2 1/2%) of the total fee, to be used solely to defray the costs of any payments processed electronically shall be applied.

**Authority:** T.C.A §§ 68-102-113, 68-120-101, 68-120-101(a), and 68-120-101(d). **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed November 14, 1983; effective December 14, 1983. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed September 18, 2002; effective December 2, 2002. Repeal and new rule filed October 19, 2005; effective January 2, 2006. Amendment filed October 2, 2008; effective December 16, 2008. Amendments filed March 29, 2010; effective June 27, 2010. Amendments filed December 8, 2022; effective March 8, 2023.

#### **0780-02-03-.05 APPROVAL OF PLANS.**

- (1) The Division shall examine or cause to be examined the accompanying submittal documents and shall approve the documents if they are in compliance with the minimum standards for fire prevention, fire protection, and building construction safety in effect at the time of the initial submission.
  - (a) Approval may be granted for construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been submitted. The project's owner, designer or contractor shall proceed at their own risk and without assurance that approval for the entire structure will be granted.
  - (b) Plans and specifications submittals that have been found to have deficiency(s) that prevent approval shall be closed due to inactivity eighteen (18) months after the most recent review if no response is submitted by the architect or engineer to correct the deficiency(s). After the closure of a project due to inactivity, new plans and specifications will be required to be submitted to the codes in effect at the time of the new submission along with the applicable fees. The Commissioner of Commerce and Insurance, or the Commissioner's designee, is authorized to allow the file to remain open for an additional period of time. A request to keep the file open must be requested in writing and justifiable cause must be demonstrated.
  - (c) If submitted plans and specifications have not been approved within twelve (12) months after the effective date of any adopted revisions to the codes in effect at the time of the initial submission, the submittal shall be closed and new plans and specifications will be required to be submitted in compliance with the codes in effect at

(Rule 0780-02-03-.05, continued)

the time of the new submission along with the applicable fees. The Commissioner of Commerce and Insurance, or the Commissioner's designee, is authorized to allow the file to remain open for an additional period of time. A request to keep the file open must be requested in writing and justifiable cause must be demonstrated.

- (2) The Division will not issue a review of plans and specifications unless a plans review submittal form and all fees have been received by the Division except where state agencies are to be billed or journal vouchered for the fees.
  - (a) When the fee for review of plans and specifications for construction is to be collected from another state department or agency, review may begin once all information needed to invoice or journal voucher the other state department or agency has been received.
- (3) No final approval of plans and specifications shall be valid unless the construction represented by such plans and specifications has substantially progressed within six (6) months after the effective date of any adopted revisions of the standards in effect at the time of the initial submission. Construction must be completed and a certificate of occupancy issued within twenty-four (24) months after the commencement of construction; provided, however, the Division, upon appropriate written request and for good cause shown, may grant written approval of additional time to complete construction.
- (4) A full-sized paper 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. The approved plans shall be located in an area that is readily available to the inspector. If the plans are not readily available to the inspector during the inspection, the inspector may fail the inspection.
- (5) Construction shall proceed in accordance with the plans and specifications as approved. If construction is completed in accordance with the approved plans and specifications, the building represented by such plans and specifications shall be exempt from subsequently adopted standards for fire prevention, fire protection, and building construction safety, unless the non-conformity of the building to such standards poses a serious life safety hazard.
- (6) No approval of, or failure to review, plans and specifications by the Division shall relieve the owner, developer, contractor, or designing architect or engineer of their respective responsibilities for compliance with applicable codes respecting fire prevention, fire protection, and building construction.
- (7) Where a building governed by the provisions of this Chapter is constructed in violation of this Chapter, original registered architect and engineer designed plans and specifications shall be submitted for review and approval. If such plans and specifications cannot be produced, as-built plans shall be submitted. The plans and specifications shall meet the more stringent requirements of the codes in effect at the time of construction and the currently adopted codes for existing buildings prior to approval. After plans are approved and the construction has been properly inspected, the Division will issue the owner a letter stating that the facility has been determined to comply with this Chapter. An applicable review fee as authorized by this Chapter will apply based on the value of the building at the time of submission.

**Authority:** T.C.A. §§ 68-102-113, 68-120-101, 68-120-101(a), and 68-120-101(d). **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed November 14, 1983; effective December 14, 1983. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 22, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Amendments filed October 2, 2008; effective December 16, 2008.



(Rule 0780-02-03-.05, continued)

*Amendments filed March 29, 2010; effective June 27, 2010. Amendments filed December 8, 2022; effective March 8, 2023.*

**0780-02-03-.06 INSPECTION OF CONSTRUCTION.**

- (1) Construction or work for which approval is required shall be subject to inspection by the Division and such construction or work shall remain accessible and exposed for inspection purposes until approved. Any portions of an approval following an inspection that do not comply with adopted codes and standards shall be corrected and shall not be construed as approved by the Division. Inspections presuming to give authority to violate or cancel the provisions of the code shall not be valid. It shall be the duty of the contractor to cause the work to remain accessible and exposed for inspection purposes. The Division shall not be liable for expenses incurred in the removal or replacement of any material required to allow inspection.
- (2) The Division is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Such reports shall be made readily available to the inspector.
- (3) It shall be the duty of the contractor or their duly authorized agent to notify the Division when work is ready for inspection. It shall be the duty of the contractor to provide access to and means for inspections of such work that are required by the code. If the inspector cannot access the work or if the work is not completed by the time of inspection and the contractor does not contact the inspector in advance to reschedule the inspection, the inspector may fail the inspection.
- (4) In addition to any inspection required by this rule, the Division may require a structural analysis by a Tennessee registered architect or engineer to determine the adequacy of structural systems for the proposed change of occupancy, addition, or alteration.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 20, 1982. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed December 8, 2022; effective March 8, 2023. Amendments filed January 23, 2025; effective April 23, 2025.

**0780-02-03-.07 ISSUANCE OF PERMITS AND INSPECTION FEES.**

- (1) Except as provided in 0780-02-03-.02 and 0780-02-03-.08, no official of state or local government shall issue a permit authorizing any construction for which written approval of plans and specifications is required under this Chapter unless the applicant furnishes sufficient evidence of receipt of such approval. Upon notice from the Division to the issuer of permits issued in violation of this regulation, the issuer shall immediately revoke the permit, and any construction on such project must cease until proper approval is obtained and permit issued pursuant to this Chapter.
- (2) The fee for DHS Daycares or DOE Educational Occupancies allowed to have compliance determined by inspection in accordance with Tenn. Comp. R. & Regs. 0780-02-03-.02 shall be the following:
  - (a) Initial consultation and four (4) inspections: \$1,000.00.
  - (b) Additional inspections: \$160.00 each.

Such fees shall be paid in full prior to the consultation.

(Rule 0780-02-03-.07, continued)

- (3) No fee shall be charged for an inspection requested by the Division to investigate a complaint, or an inspection made pursuant to T.C.A. §§ 68-102-116 and 68-102-117.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 20, 1982. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed January 23, 2025; effective April 23, 2025.

**0780-02-03-.08 EXEMPTIONS.** This Chapter shall not apply to any building or facility that is exempt from the Division's building construction safety standards under T.C.A. § 68-120-101.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative Authority:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Repeal and new rule filed October 19, 2005; effective January 2, 2006. Rule was previously numbered 0780-02-03-.09 but was renumbered 0780-02-03-.08 with the deletion of original rule 0720-02-03-.08 filed December 8, 2022; effective March 8, 2023. Amendments filed December 8, 2022; effective March 8, 2023.

#### **0780-02-03-.09 CERTIFICATE OF OCCUPANCY.**

- (1) Where approval of plans is required by this Chapter, no building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion shall be made, until the Division has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.
- (2) The certificate of occupancy shall state:
  - (a) The project name and location of the building;
  - (b) The construction type of the building;
  - (c) The occupancy classification of the building under the standards adopted by reference in rule 0780-02-02-.01; and
  - (d) The names of the building owner, contractor, plans examiner who approved the project, and project architect or engineer.
- (3) A temporary certificate of occupancy may be issued by the Division for a portion or portions of a building that may be occupied safely prior to final completion of the building.
- (4) The Division is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is either issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or a portion is in violation of any ordinance or regulation or any of the provisions of the code.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule filed October 11, 1985; effective November 10, 1985. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Rule was previously numbered 0780-02-03-.10 but was renumbered 0780-02-03-.09 with the deletion of original rule 0720-02-03-.08 filed December 8, 2022; effective March 8, 2023. Amendments filed December 8, 2022; effective March 8, 2023.

#### **0780-02-03-.10 DISPUTE RESOLUTION.**

- (1) Disputes that arise during the plans review process shall be resolved as follows:

(Rule 0780-02-03-.10, continued)

- (a) When a dispute as to the interpretation or applicability of a code provision arises between the owner or designer of a project and the plans examiner, the dispute shall be submitted to the Plans Examiner Manager of Codes Enforcement for resolution.
  - (b) If the owner or designer disagrees with the decision of the Plans Examiner Manager of Codes Enforcement, the dispute shall be submitted to the Director of Codes Enforcement for resolution.
  - (c) If the owner or designer disagrees with the decision of the Director of Codes Enforcement, the dispute shall be submitted to the Assistant Commissioner for Fire Prevention for resolution.
  - (d) If the owner or designer disagrees with the decision of the Assistant Commissioner for Fire Prevention, the dispute shall be submitted to the Commissioner of Commerce and Insurance or the Commissioner's designee for resolution.
  - (e) If the owner or designer disagrees with the decision of the Commissioner of Commerce and Insurance or the Commissioner's designee, the owner or designer may elect to have the dispute submitted to a panel of outside parties for resolution.
    - 1. The panel of outside parties shall consist of three (3) individuals, one (1) selected by the owner or designer, one (1) selected by the Commissioner of Commerce and Insurance and one (1) selected by the Executive Director of the Board of Architectural and Engineering Examiners.
    - 2. The members of the panel shall have a background in architecture, engineering, plans review, construction or building/codes inspections. Panel members shall be compensated at a rate of one hundred fifty dollars (\$150.00) per day.
    - 3. The owner or designer seeking to have the dispute submitted to the panel of outside parties shall submit an application for appeal on a form provided by the Division along with an application fee of one hundred dollars (\$100.00). The owner or designer shall pay a fee of four hundred fifty dollars (\$450.00) for each day of the appeal to pay the per diem of the panel members.
  - (f) At any point during this process, the parties may agree to submit the dispute to the publisher of the code section at issue for an opinion.
- (2) Disputes that arise during the inspection process shall be resolved as follows:
- (a) When a dispute arises as to the interpretation or applicability of a code provision between the owner, designer or contractor on a project and the Fire and Building Code Inspector inspecting the project, and the project is being constructed in accordance with plans and specifications approved by the Division, the dispute shall be submitted to the Fire and Building Code Manager.
  - (b) If the owner, designer or contractor disagrees with the decision of the Fire and Building Code Manager, the dispute shall be submitted to the Director of Codes Enforcement for resolution.
  - (c) If the owner, designer or contractor disagrees with the decision of the Director of Codes Enforcement, the dispute shall be submitted to the Assistant Commissioner for Fire Prevention for resolution.

(Rule 0780-02-03-.10, continued)

- (d) If the owner, designer or contractor disagrees with the decision of the Assistant Commissioner for Fire Prevention, the dispute shall be submitted to the Commissioner of Commerce and Insurance or the Commissioner's designee for resolution.
- (e) If the owner, designer or contractor disagrees with the decision of the Commissioner of Commerce and Insurance or the Commissioner's designee, the owner, designer or contractor may elect to have the dispute submitted to a panel of outside parties for resolution.
  - 1. The panel of outside parties shall consist of three (3) individuals, one (1) selected by the owner, designer or contractor, one (1) selected by the Commissioner of Commerce and Insurance and one (1) selected by the Executive Director of the Board of Architectural and Engineering Examiners.
  - 2. The members of the panel shall have a background in architecture, engineering, plans review, construction or building/codes inspections. Panel members shall be compensated at a rate of one hundred fifty dollars (\$150.00) per day.
  - 3. The owner, designer or contractor seeking to have the dispute submitted to the panel of outside parties shall submit an application for appeal on a form provided by the Division along with an application fee of one hundred dollars (\$100.00). The owner, designer or contractor shall pay a fee of four hundred fifty dollars (\$450.00) for each day of the appeal to pay the per diem of the panel members.
- (f) At any point during this process, the parties may agree to submit the dispute to the publisher of the code section at issue for an opinion.
- (3) The entire dispute resolution process set forth in paragraphs (1) and (2) above shall be completed as quickly as possible, but no more than thirty (30) calendar days from the date that the dispute is first submitted for resolution, unless the dispute is submitted to the code publisher for an opinion.
- (4) If there are any fees charged by the code publisher for rendering its opinion, those fees shall be paid by the owner of the project before final approval of the subject plans and specifications will be issued by the Division.
- (5) Any appeal of the dispute beyond the Commissioner of Commerce and Insurance shall be submitted in accordance with the provisions of the Uniform Administrative Procedures Act, compiled at T.C.A. §§ 4-5-301 et seq., pertaining to Contested Case Hearings.

**Authority:** T.C.A. §§ 68-102-113, 68-120-101(a) and (d), and 68-120-401. **Administrative History:** New rule filed October 2, 2008; effective December 16, 2008. Amendments filed March 29, 2010; effective June 27, 2010. Rule was previously numbered 0780-02-03-.11 but was renumbered 0780-02-03-.10 with the deletion of original rule 0720-02-03-.08 filed December 8, 2022; effective March 8, 2023. Amendments filed December 8, 2022; effective March 8, 2023.

#### **0780-02-03-.11 GRANDFATHER PROVISION FOR REVIEW OF PLANS.**

At the submitter's request, plans submitted within one hundred twenty (120) days after the effective date of newly adopted building, fire and life safety codes may be reviewed under the codes that were in effect on the day immediately prior to the effective date of the newly adopted codes. The plans submitted under this section shall still be subject to the provisions rule 0780-02-03-.05(1).

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101(a) and (d). **Administrative History:** New rule filed October 2, 2008; effective December 16, 2008. Amendment filed March 29, 2010; effective June 27,

(Rule 0780-02-03-.11, continued)

2010. Rule was previously numbered 0780-02-03-.12 but was renumbered 0780-02-03-.11 with the deletion of original rule 0720-02-03-.08 filed December 8, 2022; effective March 8, 2023.

**0780-02-03-.12 EQUIVALENCIES.**

- (1) Wherever there are practical difficulties involved in carrying out the provisions of this Chapter and the codes adopted in this Chapter, the Commissioner of Commerce and Insurance, or the Commissioner's designee, shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Commissioner of Commerce and Insurance, or the Commissioner's designee, shall first find that the special individual reason makes the strict application of the codes adopted in this Chapter impractical and the modification is in compliance with the intent and purpose of the codes adopted in this Chapter and that such modification does not lessen, health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and kept in the files of the Division.
- (2) The provisions of the codes adopted in this Chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Commissioner of Commerce and Insurance, or the Commissioner's designee, finds that the proposed design is satisfactory and complies with the intent of the codes adopted in this Chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed by the codes adopted in this Chapter in quality, strength, effectiveness, fire resistance, durability and safety.

**Authority:** T.C.A. §§ 68-102-113 and 68-120-101(a) and (d). **Administrative History:** Original rule filed March 29, 2010; effective June 27, 2010. Rule was previously numbered 0780-02-03-.13 but was renumbered 0780-02-03-.12 with the deletion of original rule 0720-02-03-.08 filed December 8, 2022; effective March 8, 2023. Amendments filed December 8, 2022; effective March 8, 2023.