

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

**CHAPTER 0780-02-09
THIRD-PARTY INSPECTIONS AND THIRD-PARTY PLANS REVIEW**

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0780-02-09-.01 DEFINITIONS

- (1) As used in this chapter, unless the context otherwise requires:
- (a) “Applicable codes” means the building code adopted by the Division or by the local government examining third-party inspections and third-party plans review where the building is located.
 - (b) “Conflict of interest” means an affiliation or relationship as defined pursuant to T.C.A. § 68-120-101(k)(1)(A).
 - (c) “Discipline” means a plans examination or inspection of building, fire, mechanical, plumbing, or electrical code.
 - (d) “Division” means the Division of Fire Prevention of the Department of Commerce and Insurance.
 - (e) “Exempt jurisdiction” means a local government acting pursuant to T.C.A. § 68-120-101(b)(2).
 - (f) “Local department” means the department(s) enforcing building and/or fire codes within a local government.
 - (g) “Local government” means any city, county, town, municipal, corporation, metropolitan government, or political subdivision.
 - (h) “Statewide building program” means the adoption and enforcement of codes pursuant to T.C.A. § 68-120-101(a).
 - (i) “Third-party inspector” means an individual that meets the requirements as defined in T.C.A. § 68-120-101(k)(1)(B).
 - (j) “Third-party plans examiner” means an individual that meets the requirements as defined in T.C.A. § 68-120-101(k)(1)(C).

Authority: Chapter 771, Public Acts of 2024 and T.C.A. § 68-120-101. **Administrative History:** Emergency rules filed September 24, 2024; effective through March 23, 2025. Emergency rules expired effective March 24, 2025, and the rules reverted to their previous statuses. New rules filed April 15, 2025; effective July 14, 2025.

0780-02-09-.02 REGISTRATION REQUIREMENTS.

- (1) In an exempt jurisdiction, a person may engage a third-party plans examiner to perform a review of plans and specifications, and a third-party inspector to perform building construction inspections, in lieu of such examinations or inspections being performed by the exempt jurisdiction. A third-party inspector or third-party plans examiner must be appropriately registered with the Division at the time the inspection or examination is performed.
- (2) An applicant may only have one (1) registration as a third-party plans examiner and one (1) registration as a third-party inspector. If an applicant holds multiple qualifications sufficient to register as a third-party examiner or a third-party inspector, such as being registered as both an architect and an engineer, the applicant shall designate which qualification shall be tied to the third-party registration.
- (3) An applicant may request registration with the Division as the following:
 - (a) Third-party plans examiner; or
 - (b) Third-party inspector.
- (4) An applicant for registration as a third-party plans examiner shall submit the following to the Division:
 - (a) A completed application for registration on a form as prescribed by the Division; and
 - (b) Proof of one (1) of the following:
 1. Active registration as an engineer with the Tennessee state board of examiners for architects and engineers;
 2. Active registration as an architect with the Tennessee state board of examiners for architects and engineers; or
 3. Active certification from the International Code Council (ICC) or National Fire Protection Association (NFPA) as a plans examiner.
- (5) An applicant for registration as a third-party inspector shall submit the following to the Division:
 - (a) A completed application for registration on a form as prescribed by the Division; and
 - (b) Proof of one (1) of the following:
 1. Active registration as an engineer with the Tennessee state board of examiners for architects and engineers;
 2. Active registration as an architect with the Tennessee state board of examiners for architects and engineers;
 3. Active certification from the International Code Council (ICC), National Fire Protection Association (NFPA), or other nationally or internationally recognized certifying organization; or
 4. Active state certification as a building, fire, mechanical, or plumbing inspector.

(Rule 0780-02-09-.02, continued)

- (6) A certificate of registration as a third-party inspector or third-party plans examiner shall expire when the corresponding engineer registration, architect registration, or professional certification expires and shall renew with the corresponding registration or certification so long as the person intends to continue acting as a third-party plans examiner or third-party inspector.
- (7) Each registrant shall notify the Division within fifteen (15) days if the registrant's engineer's license, architect's license, or certification becomes invalid.
- (8) Any registration as a third-party inspector or third-party plans examiner shall automatically terminate if the registrant's corresponding engineer's license, architect's license, or certification is revoked or otherwise becomes invalid.
- (9) The Commissioner of Commerce and Insurance, or the Commissioner's designee, may revoke a registration as a third-party inspector or third-party plans examiner following notice and an opportunity for a hearing in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in T.C.A. §§ 4-5-301 et seq., if:
 - (a) The individual is found to be inadequately performing plans review or inadequately enforcing the adopted code, including but not limited to properly performing timely inspections;
 - (b) The individual has provided false or misleading information to the Division;
 - (c) The individual has provided false or misleading information as part of any third-party plans examination or third-party inspection;
 - (d) The individual concealed a conflict of interest in the performance of third-party plans examination or third-party inspection;
 - (e) The individual has had their registration as an engineer or architect with the Tennessee state board of examiners for architects and engineers, state certification as a building, fire, mechanical, or plumbing inspector, or any other similar state regulatory board, revoked; or
 - (f) The Commissioner of Commerce and Insurance determines any other grounds with the showing of good cause.
- (10) The Commissioner of Commerce and Insurance, or the Commissioner's designee, may refuse to issue a registration as a third-party inspector or third-party plans examiner to an individual for any of the grounds set out in paragraph (9).

Authority: Chapter 771, Public Acts of 2024 and T.C.A. § 68-120-101. **Administrative History:** Emergency rules filed September 24, 2024; effective through March 23, 2025. Emergency rules expired effective March 24, 2025, and the rules reverted to their previous statuses. New rules filed April 15, 2025; effective July 14, 2025.

0780-02-09-.03 REQUIRED DOCUMENTS.

- (1) A person, or person's designee, who retains a third-party plans examiner and has exhausted the exempt jurisdiction's review process and is requesting the Division review the building plans shall submit documents for review in accordance with the procedures determined by the Division.
- (2) The person, or person's designee, shall submit all required documents as described in Tenn. Comp. R. & Regs. 0780-02-09-.03 pursuant to T.C.A. § 68-120-101(k).

(Rule 0780-02-09-.03, continued)

- (3) For review of plans, the person, or designee, that engages a third-party plans examiner to examine plans and specifications prior to construction as required by T.C.A. § 68-120-101(k)(2)(D)(i) shall provide the following to the Division in a manner approved by the Division for review and approval:
 - (a) A copy of the withdrawal of review filed with the exempt jurisdiction;
 - (b) The appropriate fee as established in Tenn. Comp. R. & Regs. 0780-02-03, Review of Plans and Specifications;
 - (c) The name of the exempt jurisdiction with a statement of all applicable codes of the exempt jurisdiction and the codes used to perform the plans examination, and any modifications to the prescriptive code that were granted by the exempt jurisdiction;
 - (d) Stamped and sealed copy(ies) of all plans and shop drawings, if required;
 - (e) The building name and intended address;
 - (f) For each discipline of code review, the third-party plans examiner's name and registration number assigned by the Division;
 - (g) The local building official's and fire official's names and contact information;
 - (h) A statement under penalty of perjury by the third-party plans examiner declaring the plans comply with the applicable codes and no deficiencies remain;
 - (i) Copies of any local ordinances and local amendments to the code that govern the review;
 - (j) The occupancy classification of the structure;
 - (k) An affidavit from the third-party plans examiner that no conflict of interest exists between the party requesting the third-party and the third-party conducting the review; and
 - (l) Any other documents deemed necessary by the Division after initial review to ensure compliance with applicable codes.
- (4) The person, or designee, who engages a third-party inspector to conduct commercial, electrical, or residential building construction inspections as required by T.C.A. § 68-120-101(k)(3)(D)(i) and has exhausted the exempt jurisdiction's review process and is requesting the Division review the inspection report shall provide the following to the Division in a manner approved by the Division for review and approval:
 - (a) A copy of the withdrawal of review filed with the exempt jurisdiction;
 - (b) The appropriate fee as established in Tenn. Comp. R. & Regs. 0780-02-09-.05;
 - (c) The name of the exempt jurisdiction with a statement of all applicable codes of the exempt jurisdiction and codes used to conduct the inspection and any equivalencies granted;
 - (d) Copy(ies) of the inspection report(s) and any proposed occupancy release(s);
 - (e) The building name and address;

(Rule 0780-02-09-.03, continued)

- (f) The third-party inspector's name and registration number assigned by the Division;
- (g) The local building official's and fire official's names and contact information;
- (h) The type of inspection conducted (including occupancy and inspection type);
- (i) A statement under penalty of perjury by the third-party inspector declaring that no deficiencies of the applicable codes were identified or identifies all deficiencies of the applicable codes;
- (j) Copies of any local ordinances and local amendments to the code used for the inspection;
- (k) The occupancy classification for which the structure was inspected;
- (l) An affidavit from the third-party inspector that no conflict of interest exists between the party requesting the third-party and the third-party conducting the review; and
- (m) Any other documents deemed necessary by the Division to ensure compliance with applicable codes.

Authority: Chapter 771, Public Acts of 2024 and T.C.A. § 68-120-101. **Administrative History:** Emergency rules filed September 24, 2024; effective through March 23, 2025. Emergency rules expired effective March 24, 2025, and the rules reverted to their previous statuses. New rules filed April 15, 2025; effective July 14, 2025.

0780-02-09-.04 INSPECTIONS AND PLANS REVIEW.

- (1) All third-party inspections shall be conducted on-site by the registrant signing the inspection report.
- (2) A separate third-party inspection shall be completed each time an inspection is required in accordance with local inspection requirements. A single inspection by a third-party inspector for an entire project shall be rejected.
- (3) If the Division approves the third-party inspection or third-party plans, the Division shall issue a written letter of approval to the third-party.
- (4) If the Division determines deficiencies are present after review of the third-party inspection documents or review of third-party plans, the Division shall issue a written report setting out each finding of deficiency.
 - (a) The person, or person's designee, shall submit a written response to each item detailing how each deficiency has been corrected.
- (5) If the Division determines more information is necessary to ensure compliance with applicable codes, the Division shall issue a written report requesting the additional information.
 - (a) The person, or person's designee, shall submit a written response to each item that adequately details and addresses the Division's questions.
- (6) The Division, during the required audit of an exempt jurisdiction pursuant to T.C.A. § 68-120-101(b), shall include in the audit a determination of whether the exempt jurisdiction is adequately reviewing third-party inspections and third-party plans review.

(Rule 0780-02-09-.04, continued)

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0780-02-09-.05 FEES.

- (1) If a person, or person's designee, submits commercial building plans or construction inspection reports examined by a third-party inspector in an exempt jurisdiction to the Division for approval, the Division shall charge the following fee:
 - (a) The fee for review of plans and specifications for construction shall be two hundred and fifty dollars (\$250.00) plus two dollars and fifty cents (\$2.50) per each one thousand dollars (\$1,000.00) of the proposed construction cost or fraction thereof by which the total valuation of the proposed construction exceeds one hundred thousand dollars (\$100,000.00). Such fee shall be payable in full at the time of initial submission of plans and specifications.
 - (b) The fee for each commercial construction inspection shall be three hundred dollars (\$300.00).
- (2) If a person, or person's designee, submits a residential building inspection report examined by a third-party inspector in an exempt jurisdiction to the Division for approval, the Division's fees shall be those as stated in Tenn. Comp. R. & Regs. 0780-02-23.
- (3) If a person, or person's designee, submits an electrical inspection report examined by a third-party inspector in an exempt jurisdiction to the Division for approval, the Division's fees shall be those as stated in Tenn. Comp. R. & Regs. 0780-02-01.
- (4) Bad payment will result in the cancellation of review of plans and specifications and review of building construction inspection reports. Bad payment includes, but is not limited to, a returned check, dishonored electronic payment, or declined credit card payment.
- (5) Refunds shall not be made once the Division provides a timely response to the submission.
- (6) A full refund of all fees shall be made if the Division fails to respond to the submission within ten (10) business days.
- (7) Refunds shall be made to the person or company that remitted the payment.

Authority: Chapter 771, Public Acts of 2024 and T.C.A. § 68-120-101. **Administrative History:** Emergency rules filed September 24, 2024; effective through March 23, 2025. Emergency rules expired effective March 24, 2025, and the rules reverted to their previous statuses. New rules filed April 15, 2025; effective July 14, 2025.