

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

**CHAPTER 0780-02-16
CERTIFIED CODES INSPECTORS STANDARDS AND QUALIFICATIONS**

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0780-02-16-.01 GENERAL REQUIREMENTS.

- (1) The purpose of inspector certification is to establish uniform minimum requirements designed to increase the level of competency and reliability of code enforcement personnel to the level that will enhance each local government's ability to protect the lives and property of its citizens from improper construction, fire, and related hazards.
- (2) All applications or documents for certification shall be submitted to the State Fire Marshal's Office. All applications for initial certification and recertification shall be completed, in full, on forms approved by the State Fire Marshal's Office.
- (3) The applicant for certification shall provide satisfactory proof to the State Fire Marshal, or designee, that the applicant understands applicable building, fire, plumbing, mechanical, electrical, or fuel gas codes through the regulations established in Tenn. Comp. R. & Regs. 0780-02-16. Application matters not specifically addressed herein will be at the discretion of the State Fire Marshal, or designee.
- (4) When a certified codes inspector performs inspections pursuant to Tenn. Comp. R. & Regs. 0780-02-16, the codes inspector shall carry a certification identification card issued by the State Fire Marshal's Office. Specialties in which the inspector is authorized to perform codes inspections may be listed on the certification identification card.
- (5) Any new applicant for certification as a building, fire, plumbing, or mechanical codes inspector has up to twelve (12) months from the date of employment to satisfy the requirements for certification and submit the required application to the State Fire Marshal's Office. All requirements for certification shall be satisfied within the first twelve (12) months of employment or excused for just cause by the State Fire Marshal, or designee. A new applicant shall be eligible to utilize the twelve (12) month period only once, unless otherwise authorized by the State Fire Marshal, or designee. An applicant to become an electrical code inspector must be certified before conducting any codes inspections.
- (6) Municipalities and counties shall notify the State Fire Marshal's Office within sixty (60) days after any new codes inspector who is required to obtain certification is hired. The notice shall be on a form provided by the State Fire Marshal's Office for this purpose and shall contain the name of the newly hired codes inspector and the date of employment.
- (7) Persons who conduct fire prevention inspections or pre-fire planning inspections are not required to be certified unless part of their job duties also includes fire, building, plumbing, mechanical, electrical, or fuel gas code inspections.

(Rule 0780-02-16-.01, continued)

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendment filed September 25, 2009; effective February 28, 2010. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.02 DEFINITIONS.

- (1) "Building Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted building code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the building code may be invoked.
- (2) "Building Code Inspector" means an individual who as part of his/her job duties performs building code inspections or resolves conflicts relative to application of the adopted building code. The inspector's status shall be determined by job duties rather than job title.
- (3) "Certification" means the designation and authorization conferred by the State Fire Marshal, or designee, on a municipal, county, and state employed inspector, who has made application and provided the satisfactory requisite understanding of applicable building, fire, plumbing, mechanical, or fuel gas codes, to conduct or perform inspections and enforces adopted codes.
- (4) "Chapter" means Tenn. Code Ann. §§ 68-120-101, et seq.
- (5) "Continuing Education" means training courses related to the knowledge and enforcement of relevant code(s) and which are approved by the State Fire Marshal, or designee, for a designated specialty or specialties. The State Fire Marshal, or designee, shall specify the amount of credit hours awarded for approved training courses.
- (6) "Department" means the Tennessee Department of Commerce and Insurance.
- (7) "Electrical Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted electrical code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the electrical code may be invoked.
- (8) "Electrical Code Inspector" means an individual who as part of his/her job duties performs electrical code inspections or resolves conflicts relative to application of the adopted electrical code. The inspector's status shall be determined by job duties rather than job title.
- (9) "Fire Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted fire code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the fire code may be invoked.
- (10) "Fire Code Inspector" means an individual who as part of his/her job duties performs fire code inspections or resolves conflicts relative to application of the adopted fire code. The inspector's status shall be determined by job duties rather than job title.
- (11) "Fire Prevention Inspection" means an inspection conducted by fire department personnel other than a fire code inspector. This inspection is advisory in nature (i.e. maintenance and housekeeping) by the fire department personnel and may result in a fire code inspection.
- (12) "Mechanical Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted mechanical or fuel gas code and as a result of

(Rule 0780-02-16-.02, continued)

which citations for failure to comply may be issued or other remedies or measures for enforcement of the mechanical or fuel gas code may be invoked.

- (13) "Mechanical Code Inspector" means an individual who as part of his/her job duties performs mechanical or fuel gas code inspections or resolves conflicts relative to application of the adopted mechanical or fuel gas code. The inspector's status shall be determined by job duties rather than job title.
- (14) "Plumbing Code Inspection" means an inspection for the purpose of enforcing and determining compliance with the adopted plumbing code and as a result of which citations for failure to comply may be issued or other remedies or measures for enforcement of the plumbing code may be invoked.
- (15) "Plumbing Code Inspector" means an individual who as part of his/her job duties performs plumbing code inspections or resolves conflicts relative to application of the adopted plumbing code. The inspector's status shall be determined by job duties rather than job title.
- (16) "Pre-Fire Planning Inspection" means a walk-through inspection for the purpose of determining building layout and other building conditions to aid firefighters if a fire occurs.
- (17) "Specialty" or "specialties" means the designated field(s) of code(s) in which an inspector is certified and authorized to inspect, and which includes the following: Fire, Electrical, Building Commercial, Building Residential, Mechanical Commercial, Mechanical Residential, Plumbing Commercial and Plumbing Residential.
- (18) "State Fire Marshal" means the Commissioner of the Department of Commerce and Insurance.
- (19) "State Fire Marshal's Office" means the Division of Fire Prevention at the Department of Commerce and Insurance.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendments filed September 25, 2009; effective February 28, 2010. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.03 CERTIFICATION.

- (1) Any applicant seeking to obtain initial certification as a certified codes inspector may contact the State Fire Marshal's Office in Nashville or go to the department's website to acquire a copy of the required application form. An applicant shall submit a completed application form and eligibility verification form along with the required fee of forty-five dollars (\$45.00) to the State Fire Marshal's Office prior to obtaining certification.
- (2) An applicant shall submit proof of successfully completing a recognized and accepted training course provided by professional codes organizations identified in Tenn. Comp. R. & Regs. 0780-02-16-.04, and/or an examination approved and recognized by the State Fire Marshal, or designee, which tested knowledge and skills in the specialty or specialties in which the applicant seeks certification.
- (3) The State Fire Marshal's Office shall issue an initial certificate and identification card upon assurance that an applicant has satisfied all certification requirements in the specialty or specialties in which the applicant seeks certification. The certificate and identification card will be mailed to the applicant at the business address provided on the application and shall be valid for a period of three (3) years from the date of issuance.

(Rule 0780-02-16-.03, continued)

- (4) Upon obtaining an additional specialty or specialties, a certified inspector may apply to have the specialty or specialties added to his/her certificate and identification card for no additional fee. The certification with one or more newly added specialties will expire on the date of the original certification.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendment filed September 25, 2009; effective February 28, 2010. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.04 ACCEPTABLE STANDARDS, ORGANIZATIONS, AND COURSES.

- (1) The State Fire Marshal, or designee, shall determine the acceptable requirements for certification and each specialty in which an inspector performs inspections.
- (2) The State Fire Marshal, or designee, shall recognize and accept certification from the following professional codes organizations as providing the appropriate level of standards and qualifications necessary for certification:
 - (a) International Code Council (ICC);
 - (b) National Fire Protection Association (NFPA);
 - (c) International Association of Electrical Inspectors (IAEI);
 - (d) Other appropriate professional codes organizations recognized by the State Fire Marshal, or designee; or,
 - (e) Successful completion of an equivalent examination administered at the discretion of the State Fire Marshal, or designee.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.05 STANDARDS AND QUALIFICATIONS.

In order to enable applicants for certification the opportunity to acquire the knowledge and skills required to attain certification, the State Fire Marshal, or designee, shall establish or contract for training courses which meet the minimum standards and qualifications necessary for certification under this chapter. These training courses shall be made available to governmental employees and other individuals with building, fire safety, plumbing, electrical, mechanical, or fuel gas code inspection enforcement responsibilities.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendment filed September 25, 2009; effective February 28, 2010. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.06 RENEWAL OF CERTIFICATION.

- (1) Certification is valid for three (3) years. To renew a certification, inspectors shall submit a completed renewal application along with a fee of thirty-five dollars (\$35.00) to the State Fire Marshal's Office. The State Fire Marshal's Office shall send each certified codes inspector a renewal application for certification at least sixty (60) days prior to the date of expiration of the original certificate. The renewal application for certification will be mailed by the State Fire Marshal's Office to the last known business address, unless the inspector has requested otherwise.
- (2) Certified codes inspectors shall have up to sixty (60) days following the expiration of their certification to fulfill all requirements for renewal of certification. All applications for renewal of certification filed during this late period shall be accompanied by a late penalty fee of ten dollars (\$10.00) in addition to the certification fee of thirty-five dollars (\$35.00). Certifications are invalid during this late period and inspections shall not be performed by the inspector until an application for renewal of certification is approved.
- (3) If the sixty (60) day late period has expired prior to an inspector fulfilling all requirements for renewal of certification, then the inspector shall apply for a new certification in accordance with T.C.A. §§ 68-120-113 and 68-120-118, and Tenn. Comp. R. & Regs. 0780-02-16.
- (4) Certified fire, building, plumbing, and mechanical codes inspectors may renew certification as follows:
 - (a) Attendance and successful completion of State Fire Marshal, or designee, approved training courses which provide instruction related to an inspector's specialty or to the appropriate code(s) for the purpose of attaining credit for renewal of certification. Training courses should be approved in advance to receive credit; however, the State Fire Marshal, or designee, in his/her discretion, may approve a course and award specified hours of credit after it is given. Organizations are encouraged to submit courses to the State Fire Marshal's Office for approval at least fourteen (14) days prior to the scheduled date of the course. There is a minimum requirement of thirty-six (36) hours of continuing education during the three (3) year certification period in order to renew certification. Proof of completion of thirty-six (36) hours of continuing education within thirty-six (36) months prior to renewal of certification shall be submitted to the State Fire Marshal's Office. The State Fire Marshal's Office will not be responsible for training expenses incurred by inspectors.
 - (b) Successful completion of an examination administered at the discretion of the State Fire Marshal, or designee.
 - (c) Successful completion during the previous three (3) years of the next higher level of certification offered by a recognized and approved professional codes organization listed in Tenn. Comp. R. & Regs. 0780-02-16-.04.
- (5) Certified electrical codes inspectors may renew certification as follows:
 - (a) Attendance and successful completion of State Fire Marshal, or designee, approved training courses which provide instruction related to electrical installations for the purpose of attaining credit for renewal of certification. Training courses should be approved in advance to receive credit; however, the State Fire Marshal, or designee, in his/her discretion, may approve a course and award specified hours of credit after it is given. Organizations are encouraged to submit courses to the State Fire Marshal's Office for approval at least fourteen (14) days prior to the scheduled date of the course. There is a minimum requirement of twenty-four (24) hours of continuing education during the three (3) year certification period in order to renew certification. Proof of

(Rule 0780-02-16-.06, continued)

completion of twenty-four (24) hours of continuing education within thirty-six (36) months prior to renewal of certification shall be submitted to the State Fire Marshal's Office. The State Fire Marshal's Office will not be responsible for training expenses incurred by inspectors.

- (b) Successful completion of an examination administered at the discretion of the State Fire Marshal, or designee.
- (c) Successful completion during the previous three (3) years of the next higher level of certification offered by a recognized and approved professional electrical codes organization listed in Tenn. Comp. R. & Regs. 0780-02-16-.04.

Authority: T.C.A. §§ 68-102-113, 68-120-106, 68-120-113, and 68-120-118. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Repeal and new rule filed August 22, 2008; effective November 5, 2008. Amendment filed September 25, 2009; effective February 28, 2010. Amendments filed December 19, 2017; effective March 19, 2018. Emergency rules filed December 30, 2019; effective through June 27, 2020. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.07 DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.

- (1) The State Fire Marshal, or designee, may refuse to issue, renew, or deny any application for certification or recertification if the specified requirements have not been fulfilled.
- (2) The State Fire Marshal, or designee, may revoke, modify, suspend, or condition the certification of an inspector, if the State Fire Marshal, or designee, finds that the inspector has violated this chapter or any rule or regulation lawfully promulgated under this chapter. Examples of these include, but are not limited to:
 - (a) The requirements for certification had not been met prior to certification;
 - (b) Any continuing responsibilities associated with certification are not being fulfilled;
 - (c) The inspector is not properly enforcing the provisions of this chapter;
 - (d) Any fraud, collusion, misrepresentation, or substantial mistake was involved in the procurement of certification; or
 - (e) The inspector conducted an inspection on work performed or installations made by the inspector or by a member of the inspector's immediate family, or the inspector conducted an inspection on work performed or installations made by an entity or organization owned by the inspector or owned by any member of the inspector's immediate family.
- (3) The provisions of the Uniform Administrative Procedures Act, compiled in T.C.A. Title 4, Chapter 5, shall govern all matters concerning the hearing and judicial review of any contested case arising under this chapter and any applicable rules and regulations.

Authority: T.C.A. §§ 68-102-113, 68-120-106, and 68-120-113. **Administrative History:** Original rule filed July 28, 1993; effective October 11, 1993. Amendments filed December 19, 2017; effective March 19, 2018. Amendments filed March 26, 2020; effective June 24, 2020.

0780-02-16-.08 EXPEDITED APPLICATIONS AND ACTIVE MILITARY SERVICE.

- (1) An applicant for certification meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:

(Rule 0780-02-16-.08, continued)

- (a) Be issued a certification upon application and payment of all fees required for the issuance of such certification if, in the opinion of the State Fire Marshal, or designee, the requirements for certification of such other state are substantially equivalent to that required in Tennessee; or
- (b) Be issued a temporary certification as described herein if the State Fire Marshal, or designee, determines that the applicant's certification does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including, but not limited to education, training, or experience, in order to meet the requirements for the certification to be substantially equivalent. The State Fire Marshal's Office may issue a temporary certification upon application and payment of all fees required for issuance of a regular certification of the same type which shall allow such person to perform services as if fully certified for a set period of time that is determined to be sufficient by the State Fire Marshal, or designee, for the applicant to complete such requirements.
 - 1. After completing those additional requirements and providing the State Fire Marshal's Office with sufficient proof thereof as may be required, a full certification shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary certification and an expiration date as if the full certification had been issued at that time.
 - 2. A temporary certification shall be issued for a period no longer than the length of a renewal cycle for a full certification of the same type.
 - 3. A temporary certification shall expire upon the date set by the State Fire Marshal's Office and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the State Fire Marshal, or designee, or by an extension of time granted for good cause by the State Fire Marshal, or designee.
 - 4. Should an extension to a temporary certification cause the temporary certification to be in effect longer than the renewal cycle of a full certification, then the holder of the temporary certification shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the State Fire Marshal, or designee, for all other renewals of a full certification of the same type.
- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any certification issued by the State Fire Marshal's Office if such military education, training, or experience is determined by the State Fire Marshal, or designee, to be substantially equivalent to the education, training, or experience required for the issuance of such certification.
- (3) Any certified inspector who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose certification expires during the period of activation shall be eligible to be renewed upon the inspector being released from active duty without payment of late fees or other penalties.
 - (a) The certification shall be eligible for renewal pursuant to this subsection for six (6) months from the person's release from active duty.
 - (b) Any person renewing under this subsection shall provide the State Fire Marshal's Office such supporting documentation evidencing activation as may be required by the State Fire Marshal's Office prior to renewal of any certification pursuant to this chapter.

(Rule 0780-02-16-.08, continued)

Authority: T.C.A. §§ 4-3-1304(d)(1), 8-120-118, 68-102-113, 68-120-106, 68-120-113, and 68-120-118.

Administrative History: Original rule filed December 19, 2017; effective March 19, 2018.