



March 19, 2024

SUMMARY OF BILL AS AMENDED (017076): Requires a local jurisdiction, that has adopted its building standards and codes authorized in statute, but outside of the minimum state-wide standards, to perform any examinations of construction plans and specifications and inspections within 30 days of a request. Authorizes the State Fire Marshal to require an inspection during construction or alteration of certain types of buildings or structures.

Authorizes a person in a local jurisdiction to engage with third-party inspectors or third-party plans examiners to examine plans and specifications prior to construction or to complete locally required building construction inspections and inspection reports during construction, in lieu of examinations or inspections by the local jurisdiction.

Clarifies that engaging with a third party is not applicable to state buildings, educational occupancies, or any other occupancy requiring an inspection by the State Fire Marshal for initial licensure, except agencies licensed by the Department of Human Services.

Removes the requirement that a local jurisdiction that accepts an electrical engineer inspection by a registered inspector must maintain a record of an inspection performed by an engineer for no less than three audit years.

Authorizes a person to engage a third-party water resources engineer to prepare a permit package to install a subsurface sewage disposal system or to inspect the final inspection of a subsurface sewage disposal system in lieu of the Department of Environment and Conservation (TDEC) or contract county.

Authorizes a person to engage a third-party water resources engineer to conduct a final inspection or to review engineering reports, plans, and specifications to construct, install, or modify a non-discharging treatment works or sewerage system, including the collection system, treatment facility, and land application components. Specifies that a third-party water resources engineer includes an engineer licensed as a soil scientist in accordance with the *Soil Scientist Licensure Act of 2009*.

Authorizes a soil scientist certified by DCI to apply for a permit for a subsurface sewage disposal system with a capacity of less than 750 gallons per day so long as the application for permit includes the completed application, application fee, proposed design, an appropriate intensity soils map signed by a soil scientist certified by DCI, and a completed but unsigned permit for construction of the subsurface disposal system.

Authorizes a person to engage a third-party wetland professional to review an application for the alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state in lieu of TDEC review. Authorizes the third party to submit a permit application review after the applicant has submitted an aquatic resource inventory and TDEC has concurred with this inventory.

Creates requirements and guidelines for engaging with each applicable third party under the applicable departments. Prohibits third parties from conducting an inspection, examination, review or permit package if the third-party inspector or third-party examiner has a conflict of interest.

Requires any fees charged by the local government or department for a third-party plans examination, inspection, review or permit packaging to be the same amount charged by the local government, or department to perform the same service.

Requires a local jurisdiction to issue a certificate of occupancy when a local jurisdiction or the State Fire Marshal's Office accepts a final inspection.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Under the legislation's provisions:
 - "Third-party inspector" means an individual registered with the State Fire Marshal, registered as an engineer or architect with the Tennessee State Board of Examiners for Architects and Engineers, or certified under § 68-120-113 and § 68-120-118.
 - "Third-party plans examiner" means an individual registered with the State Fire Marshal to perform the third-party plans examinations or registered as an engineer or architect with the Tennessee State Board of Examiners for Architects and Engineers, or certified by the International Code Council or National Fire Protection Association as a plans examiner.
 - "Third-party water resources engineer" means an engineer qualified by education or experience in wastewater design, including subsurface sewage disposal systems or land application systems, and who is registered with the Tennessee State Board of Examiners for Architects and Engineers, registered with TDEC as a third-party water resources engineer, and not employed by TDEC or the contract county.
- Any third party authorized under this legislation would already be registered under the applicable state board or department, therefore there is no anticipated increase in revenue or expenditures to the state boards or departments.

- Local governments will still receive the same inspection fees that are currently charged now and be able to issue certificates of occupancy within existing resources; therefore, any impact to local government is estimated to be not significant.
- It is reasonably assumed that the majority of third-party inspectors and plans examiners currently have insurance coverage; therefore, requiring them to maintain liability insurance will not have a significant impact on insurance premium tax revenue.
- Any impact on permit fee revenue is estimated to be not significant.

IMPACT TO COMMERCE OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumption:

- The provisions of the proposed legislation will not result in any significant impact to jobs or commerce in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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