

Third -Party Inspection Program TCA 68-120-101

- **(B)** If a person engages a third-party inspector to complete locally required building inspections as authorized by subdivision (k)(3)(A), then the person, or the person's designee, shall:
 - **(i)** Utilize a third-party inspector to conduct any subsequent inspections related to the structure;
 - **(ii)** Submit the appropriate fee; and
 - **(iii)** Provide:
 - **(a)** A copy of any building inspection report for the structure;
 - **(b)** Any approved plans and fire safety codes;
 - **(c)** The building name, location, and jurisdiction of the structure;
 - **(d)** The third-party plans inspector's name and registration number assigned by the state fire marshal;
 - **(e)** The type of inspection conducted;
 - **(f)** A sworn statement under penalty of perjury by the third-party inspector that either:
 - **(1)** States no deficiencies of the applicable codes were identified; or
 - **(2)** Identifies all deficiencies of the applicable codes;
 - **(g)** A statement of the applicable codes of the local jurisdiction;
 - **(h)** The occupancy classification for which the structure was inspected; and
 - **(i)** Other information as the state fire marshal may reasonably require, including the minimum requirements of the state fire marshal for use and occupancy.
- **(C)** No later than ten (10) business days after receipt of the documents required in subdivision (k)(3)(B), the local jurisdiction shall:
 - **(i)** Accept the inspection;
 - **(ii)** Reject the inspection and provide to the person, or the person's designee, a report of deficiencies; or
 - **(iii)** Request additional information regarding the inspection.
- **(D)**
 - **(i)** If ten (10) business days pass and the local jurisdiction fails to take an action as required by subdivision (k)(3)(C), then the local jurisdiction shall refund any associated inspection fee the local jurisdiction collected. In addition, the person, or the person's designee, may submit a notice of withdrawal to the local jurisdiction, and the person, or the person's designee, may submit the inspection report and documents required by subdivision (k)(3)(B), approved plans, and appropriate fee to the state fire marshal's office.

- **(ii)** No later than ten (10) business days after receipt of the person's, or the person's designee's, submission of withdrawal under subdivision (k)(3)(D) and all required documents and fees, the state fire marshal's office shall:
 - **(a)** Accept the inspection;
 - **(b)** Reject the inspection and provide to the person, or the person's designee, a report of deficiencies; or
 - **(c)** Request additional information regarding the inspection.
- **(iii)** If the state fire marshal's office approves the inspection conducted by the third-party inspector, then the person, or the person's designee, shall file with the local jurisdiction a copy of the approval from the state fire marshal. The filing of this approval has the same effect as if the local jurisdiction had approved the inspection.
- **(iv)** If the state fire marshal's office rejects the inspection, a new inspection and a new inspection report must be completed after the date of rejection, and must be submitted to the state fire marshal's office prior to further consideration.
- **(v)** If the state fire marshal's office requests additional information pursuant to subdivision (k)(3)(D)(ii)(c), then the person's, or the person's designee's, receipt of a substantive response begins a new ten-business-day period.
- **(vi)** If, after receiving a new inspection or substantive responses to all requests for additional information, ten (10) business days pass and the state fire marshal's office fails to take an action as required by subdivision (k)(3)(D)(ii), then the state fire marshal shall complete the examination and refund any inspection fee the state fire marshal collected.
 - **(4)** A third-party inspector or third-party examiner shall not conduct an inspection or examination if the third-party inspector or third-party examiner has a conflict of interest. The local jurisdiction or state fire marshal's office may reject an applicant's submission if the office determines the third-party inspector or third-party examiner had a conflict of interest.
 - **(5)** The fee charged by the local government for a third-party plans examination or third-party inspection must be the same amount charged by the local government to perform the same service.
 - **(6)** This subsection (k) does not apply to state buildings, educational occupancies, or any other occupancy requiring an inspection by the state fire marshal for initial licensure, except that agencies licensed by the department of human services may engage third-party inspectors.
 - **(7)**
- **(A)** An applicant who believes the local jurisdiction has either interpreted the adopted building code incorrectly or rejected a plan or inspection in error may seek a determination by the local jurisdiction's board of appeals or similar administrative process established to make the determinations; provided, that the determination by the local jurisdiction's board of appeals or similar administrative process provides an appeal of a final decision to a court of competent jurisdiction. If no board or similar administrative process exists within the local jurisdiction, or if a final decision of such board or similar

administrative process does not provide that a final decision may be appealed to a court of competent jurisdiction, then an applicant may file a proceeding in the court of competent jurisdiction seeking a determination that the third-party plans examiner's or third-party inspector's report complies with the requirements of this subsection (k) and all relevant codes and legal requirements, as appropriate, and seek an order requiring the local jurisdiction to accept the plans or inspection.

- **(B)** An applicant who believes the state fire marshal has interpreted the adopted building code incorrectly or rejected a plan or inspection in error may seek a determination in accordance with the Uniform Administrative Procedures Act, that the third-party plans examiner's or third-party inspector's report complies with the requirements of this subsection (k) and all relevant codes and legal requirements, as appropriate, and seek an order requiring the state fire marshal's office to accept the plans or inspection.
 - **(8)** Nothing in this subsection (k) shall be construed to alter any requirement for local governmental approvals, including development standards as defined in § 13-4-310, except as explicitly required by this subsection (k).
 - **(9)** When a local jurisdiction or the state fire marshal's office accepts a final inspection under this subsection (k), then the local jurisdiction shall issue a certificate of occupancy.

I have read and understand

Owner: _____ (print)

Owner Signature: _____ (sign)

Date: _____

FAQ

Third party inspection shall be stated at time of permit.

Once our office has performed an inspection, the 3rd party inspection program is not an option