

**CHAPTER NO. 312**

**SENATE BILL NO. 887**

**By Clabough**

**Substituted for: House Bill No. 727**

**By Curtiss, Walker, Cobb, Overbey, Crider, Phillip Johnson**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 102, to enact the "Fire Department Recognition Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding Sections 2 through 9 of this act as a new Part 3.

SECTION 2. This part shall be known and may be cited as the "Fire Department Recognition Act".

SECTION 3. As used in this part, unless the context otherwise requires, the term "fire department" means a department of a municipality, county, or political subdivision, or an organization, agency, or entity which offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes. Excluded from this definition are law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection.

SECTION 4. After the effective date of this act, no municipality, county, or political subdivision shall operate a fire department, and no organization, agency, or entity shall operate as a fire department within the state of Tennessee unless it has been duly recognized to do so pursuant to the provisions of this part by the Department of Commerce and Insurance, state fire marshal's office. The state fire marshal, in consultation with the Tennessee Fire Chiefs Association (TFCA), shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, relative to the standards and qualifications for becoming and remaining a fire department.

SECTION 5. To obtain recognition from the Department of Commerce and Insurance, state fire marshal's office, a municipality, county, or political subdivision desiring to operate a fire department, or an organization, agency, or entity desiring to operate as a fire department shall file an application with the Department of Commerce and Insurance, state fire marshal's office, and file a renewal application to continue so operating in accordance with the following:

(1) The application shall be made on a form prescribed by the state fire marshal and shall be accompanied by a processing fee not to exceed fifty dollars (\$50.00). The state fire marshal may require that the form be signed and notarized by the highest ranking official of the fire department.

(2) Once recognized, each fire department shall be classified as career, volunteer, or combination as determined by the Tennessee Fire Incident Reporting System (TFIRS).

(3) Upon being granted recognized status as a fire department, the state fire marshal shall issue a certificate of recognition to the fire department; such certificate shall be valid for a period of three (3) years from its date of issuance.

(4) Approximately six (6) months prior to the expiration of the three-year recognition period, the state fire marshal's office shall notify each fire department by certified mail of the expiration of its certificate of recognition. The fire department whose certificate is expiring shall be required to complete a recognition renewal form prescribed by the state fire marshal and submit a renewal fee not to exceed fifty dollars (\$50.00).

SECTION 6. The municipality, county, political subdivision, organization, agency, or entity filing the application must be in compliance with § 68-102-108 by properly requesting designation as an assistant to the commissioner of commerce and insurance.

SECTION 7. After the effective date of this act:

(1) No new fire department may be established or recognized within Tennessee without the approval of the local elected governing body. This approval shall include the geographical territory to be covered by such new fire department.

(2) No governmental unit, person, organization, agency, or entity shall represent themselves to be or have a fire department as defined in this part without first obtaining a certificate of recognition from the state fire marshal's office in accordance with the provisions of Section 5.

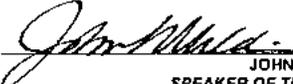
(3) No governmental unit, person, organization, agency, or entity shall receive or solicit money from any source, including local, state, or federal government, for the purpose of operating a fire department as defined in this part, unless such governmental unit, person, organization, agency, or entity maintains a valid certificate of recognition from the state fire marshal's office.

SECTION 8. Any person violating the provisions of this part shall be guilty of a Class C misdemeanor punishable by fine only.

SECTION 9. Tennessee Code Annotated, Section 68-102-108, is amended by deleting subsection (d) in its entirety.

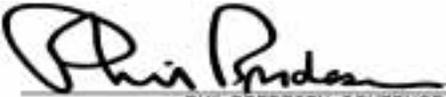
SECTION 10. This act shall take effect July 1, 2003, the public welfare requiring it.

**PASSED: May 28, 2003**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 11<sup>th</sup> day of June 2003**

  
PHIL BREDEBEN, GOVERNOR